

## Appendix 1

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



## **Appendix 1A**

# **SECTION 504 OF THE REHABILITATION ACT OF 1973**

### **Section 1. Introduction**

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against persons with disabilities by any organization or institution that receives federal financial assistance. Because the district receives federal funds, it must comply with the provisions outlined in Section 504. Grant recipients must provide access and opportunities to qualified individuals with disabilities who wish to participate in their services, activities, or programs. Discrimination occurs when an institution fails or refuses to provide an opportunity or a service, benefit, or privilege to a qualified individual with a disability.

Section 504, like the Americans with Disabilities Act of 1990 (ADA), is a broad civil rights statute, and the two laws have many similar or identical provisions. Section 504 affects a wide range of educational practices, including:

1. the provision of services to students;
2. physical accessibility;
3. preparation of self-evaluations and transition plans;
4. employment; and
5. compliance procedures.

### **Section 2. Definition**

Section 504 states that “an individual with a disability is one who has a physical or mental impairment that substantially limits one or more ‘major life activities,’ one who has a record of such an impairment, or is regarded as having such an impairment.”

1. “Major life activities” include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
2. A “physical or mental impairment” has been defined as:
  - a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hermic and lymphatic; skin; and endocrine; or

- b. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 3. “Has a record of such an impairment” means anyone who “has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.”
- 4. “Is regarded as having an impairment” means anyone who:
  - a. “has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation”;
  - b. “has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment”; or
  - c. “has none of the impairments defined but is treated by a recipient as having such an impairment.”

It is important to note that certain conditions are excluded from these definitions of disability. For example, Section 504 specifically excludes persons who currently use illegal drugs. In addition, under both Section 504 and the ADA, individuals with disabilities are not protected unless they are also “qualified” to participate in an activity.

Under Section 504, a “qualified” student with a disability, with regard to elementary and secondary education, is defined as:

- 1. a person with a disability who is of an age during which persons without disabilities are provided education; and
- 2. a person with a disability who is of any age during which it is mandatory under state law to provide elementary or secondary educational services to persons with disabilities or to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

Depending on the case, individuals may be “qualified” simply by their status as a student or a parent. Educators must consider whether adjustments can be made in policies, practices, or procedures so that students can participate in services, activities, or programs.

### **Section 3. Administrative Requirements**

Administrative requirements under Section 504 are broad. The law requires that the district:

1. Prepare a self-evaluation that will determine if the district's current services, policies, and practices discriminate against individuals with disabilities and modify those that do.
2. Designate an individual to oversee compliance.
3. Develop a transition plan if structural changes are needed to achieve program accessibility.
4. Develop a grievance procedure to handle complaints of discrimination based on disability.

The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations also require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States. In addition, Section 504 covers all students who meet the definition of having a disability as defined in the IDEA. However, not all individuals who have been determined to have a disability under Section 504 will be considered disabled under the IDEA.

If it is determined that a student is disabled under Section 504, a team must:

1. Evaluate the student.
2. Develop an accommodation plan for any needed service.
  - a. Although there is no requirement that the plan be written, a district would be wise to develop a written plan to document all accommodations that would be provided for the student.
  - b. The plan may also include related services even though the student may not need, or qualify for, special education.
3. Implement the plan for the delivery of that service.

## **Section 4. Complaint and Enforcement**

The Office for Civil Rights (OCR) is responsible for ensuring that educational institutions comply with Section 504. Enforcement agencies encourage informal mediation and voluntary compliance. Complaints related to providing an appropriate public education for students under Section 504 should be addressed to:

Regional Civil Rights Director  
Office for Civil Rights, Region X  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
206/220-7900  
TT: 206/442-4542  
Fax: 206/220-7887  
E-mail: ocr\_seattle@ed.gov

Within Idaho, inquiries can be made to:

Idaho State Department of Education  
Bureau of Special Education  
P.O. Box 83720  
Boise, ID 83720-0027  
208/332-6910  
800/432-4601  
TT: 800/377-3529  
Fax: 208/334-4664

## **Appendix 1B**

# **THE AMERICANS WITH DISABILITIES ACT OF 1990**

### **Section 1. Introduction**

The Americans with Disabilities Act of 1990 (ADA) is a comprehensive civil rights law barring discrimination against individuals with disabilities. The ADA reinforces or expands rights guaranteed to individuals with disabilities by:

1. the Individuals with Disabilities Education Act Amendments of 1997 (IDEA);
2. Section 504 of the Rehabilitation Act of 1973 (Section 504); and
3. the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Perkins Act).

#### **A. Key Principles**

The ADA is based on five key principles that have been viewed historically as civil rights for individuals with disabilities:

1. a focus on the individual;
2. integration;
3. equal opportunity;
4. physical accessibility; and
5. the provision of reasonable accommodation and auxiliary aids and services.

#### **B. Effect on Schools**

Because the ADA is a civil rights law, it preempts all local, state, and federal laws that grant lesser rights to individuals with disabilities. The ADA does not provide funding to carry out its mandates. Nevertheless, a wide range of public and private institutions, including educational institutions, must comply with the ADA.

The ADA does not directly address schools. Therefore, educators must apply ADA principles to school and training settings without direct guidance. Educators, who already understand and comply with requirements in Section 504 or the IDEA, or with special population requirements in the Perkins Act, are well on their way to complying with the ADA. However, the ADA goes beyond the other three laws. Despite the lack of references to schools, the ADA affects every aspect of the educational process. The ADA mandates cover three broad areas:

1. **Services:** The ADA affects integration, program accessibility, safety, communication, the provision of assistive aids and services, and preparation of a district self-evaluation for compliance.
2. **Physical accessibility:** The ADA affects accessibility audits, removal of barriers both inside and outside a facility, alterations or new construction, and preparation of transition plans.
3. **Employment:** The ADA affects the posting of job notices, setting of job qualifications, interviewing, testing of applicants, hiring, and the provision of reasonable accommodations and training, among other areas.

## **Section 2. Definition**

### **A. Individual with a Disability**

As stated in the ADA, “an individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, one who has a record of such an impairment, or is regarded as having such an impairment.” This definition of an individual with a disability is identical to the definition used in Section 504.

### **B. “Qualified” Individuals**

Under both the ADA and Section 504, individuals with disabilities are not protected unless they also are “qualified” to participate in an activity. Depending on the case, people may be “qualified” simply by their status as a student or a parent. Under the ADA, schools must assist individuals with disabilities who are qualified to participate in school programs from which they might otherwise be excluded. Educators must realize the ADA’s mandate has several implications:

1. Before turning away a student with a disability as unqualified to participate in a school program, educators must consider whether adjustments can be made in policies, practices, or procedures so the student can participate.
2. Educators must ensure that qualifications are relevant.
3. Qualifications must be applied consistently to all individuals.

The ADA does not provide educators with a simple, limited set of requirements to facilitate compliance. The broad, generic nature of the standards highlights the need for educators to use a case-by-case approach in responding to the needs of students with disabilities.



### **Section 3. Administrative Requirements**

The ADA contains five broad administrative requirements for public institutions. These requirements include the following:

1. The district must prepare a self-evaluation that will determine if its current services, policies, and practices discriminate against individuals with disabilities and must modify those that do. For one free copy of *Compliance with the Americans with Disabilities Act: A Self-Evaluation Guide for Public Elementary and Secondary Schools*, call 800/949-4232. Additional copies can be purchased from the Government Printing Office by calling 800/512-1800.
2. An individual in the district must be designated to oversee compliance.
3. A transition plan must be developed if structural changes are needed to achieve program accessibility.
4. A grievance procedure must be developed to handle complaints of discrimination based on disability.
5. The district must inform the public about the ADA.

### **Section 4. Complaints and Enforcement**

Schools are expected to comply with the ADA and Section 504 even though federal agencies will not conduct general compliance monitoring. Instead, the appropriate agencies will investigate specific complaints.

The ADA's enforcement procedures build on those under Section 505 of the Rehabilitation Act of 1973, which also details compliance procedures for Section 504. Section 504, in turn, incorporates by reference the enforcement procedures found in Title VI of the Civil Rights Act of 1964. Educators who are familiar with enforcement procedures under Section 504 can expect the same procedures under the ADA.

For more information, or answers to questions regarding the ADA, contact:

Idaho Task Force on the ADA  
1311 West Jefferson  
Boise, Idaho 83702  
208/344-5590  
Fax: 208/344-5563  
E-mail: [idgetaskfrc@aol.com](mailto:idgetaskfrc@aol.com)

Information in this appendix was taken in part from *The Educator's Guide to The Americans with Disabilities Act*, published by the American Vocational Association.

## Appendix 1C

### COMPARISON OF THE IDEA, SECTION 504, AND THE ADA

#### Section 1. General Provisions

IDEA	504	ADA
<p>The Individuals with Disabilities Education Act (IDEA) is a federal education law that provides grants to assist states in providing special education services.</p> <p>Parts A and B of the IDEA affect public schools. Participation by states is voluntary. Once a state agrees to participate it must ensure that all students with disabilities in the state receive a free appropriate public education.</p> <p>Failure to meet IDEA requirements results in a loss of IDEA funds, over \$28 million annually in Idaho.</p> <p>Part C provides services for infants and toddlers and is administered by the Department of Health and Welfare in Idaho.</p> <p>Part D provides funds for State Improvement Grants, research, personnel development, and other discretionary programs.</p>	<p>The Rehabilitation Act of 1973 is a comprehensive federal law that provides for state vocational rehabilitation services, commissions for the blind, independent living centers, a National Council on Disability, and a client assistance program.</p> <p>Section 504 is a portion of the Rehabilitation Act that prohibits discrimination on the basis of disability. Individuals with disabilities cannot be excluded from or denied the benefits of any program or activity receiving federal financial assistance.</p> <p>Section 504 is mandatory. No additional funding is provided. Failure to comply could result in potential loss of all federal funds.</p>	<p>The Americans with Disabilities Act (ADA) is a broad civil rights law that was passed in 1990.</p> <p>Titles I and II affect public schools. Title I prohibits discrimination in employment if an organization employs 15 or more individuals. Title II deals with public services, including schools.</p> <p>Title III protects the rights of individuals with disabilities in privately operated public settings (such as day cares, restaurants, and private schools, as long as they are not religious-operated). Title IV requires accessible telecommunications. Title V includes miscellaneous provisions.</p> <p>Participation is mandatory. No funding is provided. Failure to comply could result in the award of compensatory and punitive damages.</p>

## Section 2. Student Eligibility

IDEA	504	ADA
<p>Children ages 3 through 21 are eligible for Part B if they have a disability <i>and</i> need special education.</p> <p>The law lists specific disability categories including autism, deaf-blindness, developmental delay, emotional disturbance, hearing impairment, cognitive retardation, orthopedic impairment, health impairment, speech or language impairment, learning disability, traumatic brain injury, and visual impairment. The law does not require the district to label a student by category of disability to provide services.</p> <p>A team of qualified professionals and the parent (the evaluation team) determines eligibility.</p> <p>Infants and toddlers, birth through 2 years of age, with development delays are eligible under Part C of the IDEA.</p>	<p>504 automatically protects children who are eligible for Part B.</p> <p>In addition, all age ranges of individuals who have, have had, or are regarded as having a physical or mental impairment that substantially limits a major life activity are protected. Generally, districts need to be concerned only with students who currently have a disability.</p> <p>Life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks. The life activity that is affected does not have to be learning for a student to have 504 protections at school. To be protected, an individual must be “otherwise qualified” for the program or activity.</p> <p>Eligibility is determined by a team of people (it is a best practice to include parents on the team, but it is not required).</p>	<p>Same as 504.</p> <p>A public entity may not impose eligibility criteria for participation in its programs or activities that screen out, or tend to screen out, individuals with disabilities, unless necessary for legitimate safety reasons.</p>

### Section 3. Educational Rights

IDEA	504	ADA
<p>Eligible students are entitled to a free appropriate public education (FAPE). FAPE includes special education and related services.</p> <p><i>Free</i> means at public expense. <i>Appropriate</i> means in conformance with an IEP that meets legal requirements. <i>Public</i> means provided under public direction and supervision. <i>Education</i> includes preschool, elementary, and secondary, but not higher education.</p> <p>FAPE is further defined by case law as an IEP that is developed in accordance with the law's procedures and that is reasonably calculated to ensure educational benefit. The benefit must be more than trivial.</p> <p>The district must provide related services that are necessary to assist the student to benefit from special education. If a student does not need special education, he or she is not entitled to related services. In Idaho, speech/language therapy is defined as special education and can be a stand-alone service.</p>	<p>Many people think 504 only requires the provision of reasonable accommodations. This is true in employment and higher education, but not in public schools (elementary and secondary).</p> <p>Eligible preschool, elementary, and secondary students are entitled to FAPE. FAPE is defined by 504 as regular <i>or</i> special education <i>and</i> related aids and services to meet an eligible student's needs as adequately as the needs of students without disabilities are met.</p> <p>In practice, if a student requires special education, he or she is usually served under the IDEA.</p> <p>504 requires that a plan be implemented for eligible students. The plan does not have to be written, but districts are advised to use a written accommodation plan to document the accommodations that have been determined necessary and will be provided.</p> <p>The provision of related services may be required even though a student does not need special education.</p>	<p>The ADA does not require the provision of FAPE to eligible students.</p> <p>However, the ADA provides a layer of protections in combination with Section 504 actions.</p> <p>Title II of the ADA includes a general provision that prohibits discrimination and denial of participation on the basis of disability. It also provides for equality of opportunity to participate in or benefit from programs and services.</p> <p>The ADA requires reasonable accommodations for students with disabilities.</p>

**Section 4. Evaluations**

IDEA	504	ADA
<p>Written notice and consent are required before an evaluation or reevaluation is conducted. Reevaluations are required every 3 years.</p> <p>A parent/adult student can obtain an independent educational evaluation at public expense if he or she disagrees with the district's evaluation, unless the district goes to a due process hearing.</p>	<p>Notice is required but consent is not. Consent is a good practice. Periodic reevaluations are required; 3 years is a best practice.</p> <p>There are no provisions for independent educational evaluations.</p>	<p>The ADA does not delineate specific evaluation requirements but reasonable accommodations must be provided for entrance exams.</p>

**Section 5. Least Restrictive Environment**

IDEA	504	ADA
<p>Districts must ensure that a continuum of alternative placements exists for students with disabilities. A student cannot be removed from the general education classroom or curriculum unless the nature or severity of his or her disability is such that the student cannot be satisfactorily educated in the general education classroom with supplementary aids and services.</p> <p>Placement decisions must be made annually by the IEP team.</p>	<p>504 has the same requirements for a continuum of alternative placements as the IDEA and presumes that students are educated in the general education classroom if possible.</p> <p>504 does not mention the general education curriculum.</p> <p>Placement decisions are made annually by a group of knowledgeable people who draw on information from a variety of sources.</p>	<p>Individuals with disabilities must be integrated to the maximum extent appropriate. Separate programs are permitted where necessary to ensure equal opportunity, but exclusion from the regular program is prohibited. Reasonable accommodations may be required in the regular program even when a special program for individuals with disabilities is provided. The existence of a special program may affect the extent of accommodations that must be provided in the regular program.</p>

**Section 6. Procedural Safeguards**

IDEA	504	ADA
<p>A parent and an adult student must receive notice when the district proposes or refuses to initiate or change identification, evaluation, placement, or the provision of FAPE. The notice, which must be written, includes specific components. It is required for any change in placement.</p> <p>Written consent is required for all assessments and initial placement in special education.</p> <p>Elaborate and complex procedures are set forth in the law for the discipline of students with disabilities. A student cannot be expelled for behavior that is a manifestation of his or her disability. Educational services for a student who is expelled for behavior that is not a manifestation of his or her disability may <i>not</i> cease.</p>	<p>A parent must receive notice when the district proposes or refuses to initiate or change identification, evaluation, placement, or the provision of FAPE. The notice does not have to be written, but it is a good practice. Notice is only required for significant changes in placement. It is a good practice to provide notice for all changes in placement.</p> <p>Expulsion and long-term or repeated suspensions are considered significant changes in placement and invoke specific procedural safeguards. A student cannot be expelled for behavior that is a manifestation of his or her disability. Educational services for a student who is expelled for behavior that is not a manifestation of his or her disability may cease.</p>	<p>The ADA does not delineate specific procedural safeguards.</p>



### Section 7. Resolving Disagreements

IDEA	504	ADA
No provisions for a compliance coordinator or a grievance procedure.	If a district employs more than 15 people it must designate a 504 compliance coordinator and have a grievance procedure for parents, students, and staff.	Internal grievance procedures are required for entities that employ more than 50 people.
A parent/adult student or the district may request mediation. It is voluntary and provided by the State Department of Education (SDE).	No provisions regarding mediation.	No provisions for mediation.
Any individual may file a formal complaint with the SDE.	Formal complaints may be filed with the Office for Civil Rights (OCR).	Complaints can be filed with the OCR or the Department of Justice. The OCR investigates complaints under 504 and the ADA.
A parent/adult student or the district may request a due process hearing, which has a 45-day time line for issuance of a decision. Decisions may be appealed to civil court. Administrative remedies must be exhausted before filing a suit in civil court.	Districts must have a hearing procedure, which can be the same as the IDEA procedure but does not have to be.  Parents can file a case in civil court without exhausting administrative remedies.	No administrative hearing provision exists under the ADA, but individuals can file a suit in federal district court.



## Appendix 2

### Appendix Contents

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## **Appendix 2A**

# **SUGGESTED MODIFICATIONS AND INSTRUCTIONAL INTERVENTIONS**

This guide provides educators and families with suggested interventions and modifications. These can be used for students who need assistance in handwriting, visual integration, spelling, reading, math, written expression, and daily organization. Many students have difficulties in one or more of these skill areas, and frequently difficulties in these skill areas impact one another. To provide the most effective and appropriate interventions and modifications, it is important to consider the preferences of the individual who is in need of assistance. It is essential that the least restrictive intervention be considered before more intrusive alternatives are explored.

### **Section 1. Skill Areas**

This section lists the skill areas in which students may have difficulty.

#### **A. Handwriting**

Difficulty in acquiring adequate handwriting skills could be characterized by the following:

1. inability to execute efficiently the motor movements required to write or to copy written letters or forms;
2. inability to transfer the input of visual information to the output of fine motor movement;
3. limitations in other visual-motor functions and activities requiring motor and spatial judgments;
4. difficulty writing numbers, aligning them properly, and understanding concepts related to space, distance, and time; or
5. difficulty holding standard writing utensils and/or stabilizing writing surfaces.

#### **B. Visual Integration**

Visual integration involves receiving information through the sense of sight and processing or integrating the received information. Students who have visual integration difficulties may have problems in the following areas:

1. visual figure-ground – seeing a specific image within a competing background;
2. visual sequencing – seeing things in the correct order;

3. visual discrimination – seeing the difference between two similar objects; or
4. depth perception – perceiving how near or far away an object is.

### **C. Spelling, Grammar, and Punctuation**

Spelling simultaneously requires auditory and visual discrimination, memory sequentialization, analysis and synthesis, and integration. Punctuation is a system of symbols that are inserted into written material to clarify its meaning. Using correct grammar requires that a person simultaneously integrate the meaning of words, parts of speech, types of phrases or clauses, and grammatical rules.

### **D. Reading**

Difficulty in acquiring reading skills could be characterized by the following:

1. difficulty learning the components of words and sentences;
2. difficulty writing and spelling;
3. spatial directional confusion;
4. difficulty differentiating letters that look similar;
5. reversals of letters and numbers;
6. inaccurate visual and/or auditory feedback;
7. word-by-word oral reading;
8. misreading known words;
9. ability to recognize words in isolation but not in context; or
10. difficulty understanding what is read (comprehension).

### **E. Math**

Math is a logical structure starting with the construction of simple relationships and then progressing to more complex tasks. Success with beginning math requires the ability to form and remember associations, understand basic relationships, and make generalizations. Success with more advanced math requires mastery in the skills of computation and problem solving. Students who have difficulty with math may have problems in the following areas:

1. memorizing basic facts;
2. organizing problems on paper;
3. solving problems;
4. identifying and selecting appropriate strategies;
5. organizing information to be learned;
6. monitoring problem-solving processes;
7. evaluating problems for accuracy; or
8. generalizing strategies to appropriate situations.

#### **F. Written Expression**

Written expression is a process that requires planning, organization, drafting, editing, and revising skills. Students who have difficulty with written expression may have problems in the following areas:

1. generating ideas;
2. retrieving words;
3. organizing thoughts into a coherent story;
4. getting started with writing a story;
5. revising a story; or
6. using vocabulary.

#### **G. Daily Organization**

Maintaining daily organization can be a crucial key in the academic success of many people. Students who have difficulty in this area may need assistance with the following:

1. remembering schedules and appointments;
2. remembering assignments;

3. organizing assignments;
4. meeting deadlines and being punctual;
5. organizing work space;
6. study and work skills; or
7. time management.



## Section 2. Suggestions for Specific Modifications

Modifications for Handwriting		
Method	Material	Technology
peer support different kinds of paper different colors of paper different line spacing/line colors tape paper to the desk chalkboard practice tracing exercises talk through letter formation walk through letter formation write letters in the air dot-to-dot adapt tests to fill in the blanks multiple choice or true/false provide additional time shorten assignments photocopy notes different writing implements paper position student position avoid using short pencils peer dictation cross-age tutoring	pencil holders/grips large/primary pencils jumbo crayons markers grease pencils acetate sheets transparency markers paper stabilizers arm stabilizer/arm guide dycem for positioning tactile letters stencils/templates clipboards tracing paper electric eraser correction tape/pen/fluid rubber name stamp other rubber stamps bingo blotter to make selections labels/stickers with names automatic number stamp highlighters easel slant board/wedge personal chalkboard	typing/keyboarding instruction portable/stationary preferences lightweight options downlinking to computer positioning device positioning student arm stabilization wrist rests movable/stationary custom key guard

Modifications for Visual Integration		
Method	Material	Technology
enlarge worksheets enlarge reading material worksheets free of blotches/streaks change font on worksheets/tests double space worksheets/tests wide margins on worksheets different colors of paper change lighting different line spacing/color darker lines on paper raised lines on paper limit amount of info on a page finger-for-spacing strategy peer support multimodality instruction	magnifying glass magnifying bars page magnifiers slant boards easel paper holders workstation copy holder stencils rulers colored acetate sheets colored stickers for visual cues Post-it tape flags highlighter word window line marker antiglare shield on pages	mini book-light other additional lighting  Word Processor: positioning device positioning student key labels portable/stationary preferences lightweight options downlinking to computer enlarge text change font colored paper

<b>Modifications for Spelling, Grammar, and Punctuation</b>		
<b>Method</b>	<b>Material</b>	<b>Technology</b>
allow more time for completion reduce number of words paired word associations self-verbalization imagery mnemonic devices multimodality instruction peer support cross-age tutoring “word wall” of common words spelling-word booklet problem-word lists word banks	flash cards magnetic board and letters flannel board and letters rubber word stamps rubber letter stamps highlighters personal chalkboard pocket dictionary 3-ring notebook dictionary	tape recorder electronic pocket spell checker electronic dictionary Language Master Speaking Language Master Spelling Ace/Spell Master  Word Processor: spell checker

Modifications for Reading		
Method	Material	Technology
extra time for completion shorten assignments simplify text highlight key concepts provide chapter outlines story frame before, during, after echo reading positive approach story mapping vary approach multimodality instruction information organizer structured study guides what-you-need-to-know chart study carrel peer support cross-age tutoring	magnifying bars page magnifiers colored acetate word window flash cards letter cards word cards sentence cards tactile letters and words magnetic board and letters felt board and letters/words colored paper clips to mark pages notebook tabs Post-it tape flags highlighter	Digital Book System tape recorder “Books on Tape” Program record books/reading material headphones Language Master Speaking Language Master Word Master electronic dictionary

<b>Modifications for Math</b>		
<b>Method</b>	<b>Material</b>	<b>Technology</b>
reduce the number of problems eliminate the need to copy problems enlarge worksheets avoid mixing signs on a page provide more time for completion graph paper raised number lines large number lines life-sized number lines mnemonic devices 2-finger counting aids multimodality instruction computational aids color-coding strategies green marker to start/red to stop peer support cross-age tutoring	abacus counters, spools, buttons, etc. containers for counters manipulatives flash cards set cards flannel board and numbers tactile numbers/signs automatic number stamp highlighter personal chalkboard number facts charts	hand-held calculator calculator with printout talking calculator Language Master+Math tape recorder multiplication tables combinations formulas

<b>Modifications for Written Expression</b>		
<b>Method</b>	<b>Material</b>	<b>Technology</b>
extra time for completion shorten assignments content outlines writing/story starters positive approaches study carrel formulate sentences aloud peer support cross-age tutoring	note cards word cards sentence cards clipboards pocket dictionary pocket thesaurus highlighter	tape record thoughts before writing tape record story to proofread headphones electronic dictionary electronic thesaurus Word Master Speaking Dictionary Companion electric eraser

<b>Modifications for Daily Organization</b>		
<b>Method</b>	<b>Material</b>	<b>Technology</b>
bulletin board schedule pocket schedule schedule in notebook appointment book assignment sheets reminder cards study carrel for individual work color-coding strategies peer support cross-age support homework journal structured study guides post signs and label areas in room tape a schedule on the desk	pocket organizer or planner personal organizer clipboards stapler sticky notes for reminders notebook tabs Post-it tape flags colored paper clips highlighter storage cubicles	electronic memo/schedule masters electronic pocket organizer/ planner tape record schedule/ assignments digital diary electric stapler

*Information in the foregoing tables was adapted from material developed by Judy Marquette in conjunction with the Central Instructional Support Center (CISC), Pennsylvania Department of Education, Pennsylvania Department of Public Welfare.*

### Section 3. Examples of Instructional Interventions

The key difference between an instructional intervention and a modification is this: An intervention includes direct instruction, and a modification does not *necessarily* include direct instruction. Interventions are not accommodations, adaptations, interagency referrals, special education settings, assessments, evaluations, screenings, classroom observations, advice or consultations, or parent contacts. The following list provides a few examples of interventions:

If a student is having difficulty:	Intervention:
Learning by listening	# Pre-teach difficult vocabulary and concepts. # Teach the mental activities involved in listeningX mental note taking, questioning.
Expressing self verbally	# Teach student to ask questions in class. # Teach body and language expression.
Reading written material	# Pre-teach vocabulary. # Teach Comprehension Monitoring (Pressley, 1995). # Teach activities that enhance phonemic awareness, such as phonemic deletion, word-to-word matching, blending, sound isolation, phoneme segmentation, phoneme counting (Stanovitch, 1993).
Expressing self in writing	# Teach computer-based study strategies (COPS) to help a student detect and correct writing errors: Capitalization of appropriate letters Overall appearance of paper Punctuation used correctly, Spelling accuracy (Shannon & Polloway, 1993). # Teach webbing and process writing strategies. # Teach finger-for-spacing strategy.
Spelling	# Teach short, easy words in context. # Teach words by spelling patterns.
Computing mathematical equations	# Teach touch points. # Teach abacus.



Seeing relationships	# Teach these relationships directly: function, category, opposition, and sequence. # Provide direct practice identifying relationships.
Paying attention to spoken word	# Provide direct instruction in self-monitoring. # Teach “following directions.”
Portraying a positive self-image	# Model positive self-statements and teach self-talk. # Teach the connection between effort and success.
Behaving appropriately in school	# Teach social skills for school-related activities. # Teach anger control. # Teach self-monitoring techniques for on-task behavior. # Teach maintaining eye contact. # Teach and provide guided practice for school rules. # Teach student how to initiate peer interaction.
Organizing the learning environment	# Teach strategies to keep the workspace clear. # Teach strategies to organize desk or locker. # Teach maintaining a daily assignment book.

Interventions should be documented and monitored to determine progress and future decisions.

### ***References:***

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**Appendix 2B**  
**SUGGESTIONS FOR DELIVERING SENSITIVE INFORMATION**  
**TO PARENTS**

Parent conferences and IEP meetings can be stressful. The following suggestions will aid in keeping the tone of meetings friendly and in creating a safe environment. This focus will help maximize the productivity of time spent together.

1. Provide a quiet, comfortable setting. Privacy affords the opportunity for a parent to react according to his or her needs.
2. Tell the parents together, if possible. When one parent has to tell the other, misunderstanding and confusion can result.
3. Be aware of the parent's level of readiness to receive information.
4. Be sensitive to problems of conflicting information. Probe for feedback regarding any misunderstandings.
5. Good communication skills are essential. Choose clear, direct, accurate statements.
6. Keep in mind that, while a parent is hearing sensitive information, he or she may recall more about the professional's attitude than the factual information being shared. Be aware of the nonverbal cues you send.
7. Try to have a sense of what the information may mean to the parent.
8. Keep the information simple and basic without patronizing the parent. Avoid the use of jargon whenever possible.
9. Allow sufficient time for the information to be shared and for questions and discussion. Do not rush the conference.
10. Never be afraid to say "I don't know" when difficult questions arise, but also indicate that you will try to find the answer or more information.
11. Realize that the parent will need time to consider the information. Be prepared to set up another conference. Follow-up is critical, as the parent may not process all the information given to him or her.

12. Do not argue with denial. Denial may be part of the process that leads to acceptance. Respect the parent's reactions even though you may not agree with them.
13. Try to be honest and straightforward without being brutal. Be wary of making predictions. Emphasize the student's strengths.
14. Be aware of one's own need for power and control in the conference or situation.
15. Present a balanced perspective. Discuss positive outcomes as well as limitations.

**Appendix 2C**  
**SAMPLE CHILD FIND ANNOUNCEMENT**

*(To be placed on district/program letterhead)*

The \_\_\_\_\_ School District, in cooperation with parents and nonpublic school agencies, engages in Child Find services throughout the school year. Child Find activities are conducted (1) to create public awareness of special education programs, (2) to advise the public of the rights of students, and (3) to alert community residents of the need for identifying and serving children with disabilities from the age of 3 through the semester in which they turn 21.

If you know of a child who is 3 through 21 years of age who may have individual needs that result from disabilities or developmental delays, and who is not enrolled in a school program, please contact \_\_\_\_  
\_\_\_\_ (name) \_\_\_\_\_, \_\_\_\_\_ (title) \_\_\_\_\_, \_\_\_\_\_ (phone number) \_\_\_\_\_, or the school district  
office at \_\_\_\_\_ (phone number) \_\_\_\_\_. These children may have difficulty walking, talking, hearing,  
or learning, or may display behaviors that appear different from other children their age.

If you are part of a community agency or civic group that would like more information about educating children with disabilities, or would like pamphlets to distribute to members, please call the school office or one of the above phone numbers.



## Appendix 3

### Appendix Contents

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.





**Appendix 3A**  
**ELIGIBILITY DETERMINATION PORTFOLIO**  
**FOR**  
**STUDENTS SUSPECTED OF HAVING AN EMOTIONAL DISTURBANCE**

Student: \_\_\_\_\_ Date: \_\_\_\_\_ Grade: \_\_\_\_\_

Teacher: \_\_\_\_\_ School: \_\_\_\_\_

This portfolio organizes the data collection process, provides a system to monitor timelines, and ensures that regulatory requirements for eligibility determination are followed.

Once the evaluation team decides to pursue, as part of the comprehensive evaluation, a determination of eligibility under the category of emotional disturbance, the process contained in this portfolio *must* be followed. Written parental consent for the evaluation must be obtained before the evaluation.

- I. Attach documentation of the general education interventions including the length of time used and the results.**
- II. Document relevant social and medical history and attach. Once this is completed, note the following and proceed to III.**

Verification: \_\_\_\_\_

Date: \_\_\_\_\_

By Whom: \_\_\_\_\_

- III. One or more of the following characteristics must be present and thoroughly documented. If none are present STOP here. If one or more are present, go to IV.**

- A. An inability to learn that cannot be explained by intellectual, sensory, or health factors

Definition: Inability to learn means that the condition must significantly interfere with the ability to benefit from instruction. It does not necessarily mean a total inability to learn. Reduced intellect or sensory or health impairment cannot be the primary cause of the behavioral/emotional problem. It must be established that there is an inability to learn rather than an unwillingness to learn.

Data:       #    IQ testing or clear evidence of at least average cognitive ability  
             #    Vision and hearing screening  
             #    Medical history  
             #    Academic performance history and data on current academic assessment

Verification: \_\_\_\_\_  
                  \_\_\_\_\_  
                  \_\_\_\_\_

B.   An inability to build or maintain satisfactory interpersonal relationships with peers and teachers

Definition:   Patterns and problems of interpersonal relationships that result in the “inability to build or maintain” satisfactory relationships with peers, teachers, and others are pervasive and are characterized by conflict and chaos which create an inability to establish and maintain group membership. This also includes individuals who are profoundly withdrawn, have poor reality contact, or lack social skills but have the ability to learn them. This inability does not refer to students who have problems with a particular teacher or with one or more peers, nor does it include students who have appropriate, satisfactory relationships with peers in their subculture, yet violate community norms.

Data:       #    Observations, behavior scales  
             #    Personality inventories  
             #    Teacher and parent reports

Verification: \_\_\_\_\_  
                  \_\_\_\_\_  
                  \_\_\_\_\_

C.   Inappropriate types of behavior or feelings under normal circumstances

Definition:   Students exhibit behavior that is incongruent to the situation or is highly changeable. Behavior would include bizarre verbalization, overreaction, repeated recitation of words, fetishes, and obsessive and compulsive behaviors. Other actions may include inappropriate sexual behaviors such as inappropriate touching of others, public masturbation, or unusual or provocative sexual verbalization. Inappropriate feelings include negative self-statements as well as feelings that are reflected in and inferred from observable behavior. Documentation must be obtained that persistent and significantly inappropriate feelings exist which are not justified by circumstances.

Data:       #   Observations, behavior rating scales  
             #   Personality inventories  
             #   Parent and teacher reports

Verification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. A generally pervasive mood of unhappiness or depression

Definition:   Pervasive moods of unhappiness or depression may be manifested in different ways in different students and may include constant crying, withdrawal, boredom, and depression, as well as angry, aggressive, or agitated behavior. Also included are eating and sleeping problems, loss of interest in usual activities, as well as feelings of hopelessness. A desire to die or an intent to commit suicide signifies extremely troubled students. Feeling depressed about a death in the family or the divorce of parents is situation specific and, for the most part, a normal feeling that tends to be “resolvable” and not pervasive.

Data:       #   Observations, behavior rating scales  
             #   Personality inventories  
             #   Parent and teacher reports

Verification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. A tendency to develop physical symptoms or fears associated with personal or school problems

Definition:   Persistent physical symptoms are chronic, as opposed to acute reactions to some situation at home or school, and must have a negative impact on learning. They may include such reactions as headache, nausea, asthma, ulcers, and colitis. Data needs to be obtained across settings and over time, and medical evidence needs to be obtained to document that the problem does not have a physical origin. Although school phobia or refusal meets criteria for eligibility and certification as having an emotional disturbance, placement would probably not be recommended. Other less restrictive treatment interventions such as systematic desensitization are likely to resolve the problem.

Data:       #   Observations, behavior rating scales  
             #   Personality inventory  
             #   Parent and teacher reports

Verification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Schizophrenia

Definition: The DSM-IV includes diagnostic criteria for schizophrenia. Students properly diagnosed with schizophrenia automatically meet the characteristics and conditions of the emotionally disturbed criteria. Such students are entitled to services if they need special education or related services.

Data: # Documentation

Verification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. The characteristics must also meet the following. IF BOTH A and B are not met, STOP here! If both are present, go to V.**

A. Long Period of Time (at least 6 months)

Definition: When determining whether a student exhibits behavioral or emotional problems over a long period of time, consider the following factors:

- (1) Transitory situational problems that may be understandable, given the nature of the circumstances. For example, a death in the family, divorce, moving to a new school, financial crisis, or physical illness or injury may produce transitory behavior changes. In general, this is a temporary period of instability, bounded by times of greater stability.
- (2) Nontransitory circumstances, where behavior changes do not return to the adaptive state that existed prior to a precipitating event. Evidence of a baseline of appropriate behavior prior to a significant (negative) change in behavior is needed. Historical information is important in order to do this.

Data: # Written school documentation  
# Historical information

Verification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## B. Marked Degree

**Definition:** A “marked degree” generally is concerned with pervasiveness and intensity of the characteristics. Data regarding duration, frequency, and intensity must be included in the observation reports. Results from standardized and/or norm-referenced personality inventories and other instruments are used to substantiate “to a marked degree,” but are not the sole source of information.

**Data:** To determine if the behavior is exhibited “to a marked degree,” answer the following questions. The data must be from more than one knowledgeable observer in more than one setting. (Use a separate piece of paper if necessary.)

- (1) Is the behavior in question considered a significant problem by more than one observer and in more than one setting?
- (2) What is the frequency, intensity, and duration of the behavior? Is the frequency, intensity, and duration significantly different from that of a similar student in the same or similar circumstances?
- (3) In what setting does the behavior occur?
- (4) Are there noticeable or predictable patterns to the behavior?
- (5) How does the behavior affect others?
- (6) Is the behavior identified as a concern by norm-referenced behavior measures?

## **V. Adverse Effects on Educational Performance**

**Definition:** There must be evidence of a demonstrable relationship between the student's behavior and decreased educational performance. Keep in mind that educational performance is not limited to academic performance, but may also include interactions with peers or teachers, participation in class activities, and classroom conduct.

**Data:** Answer the following questions and document with observations, class work, and testing results:

- (1) Is educational performance substantially within the range expected of a student based on his or her chronological age?
- (2) If the student is performing below academic expectations, is the probable cause emotional problems?
- (3) Are the emotional problems affecting educational performance of the student to a greater degree than similar problems affect the performance of peers?
- (4) Does the student achieve passing grades?
- (5) Does the student maintain regular academic growth?
- (6) Does the student demonstrate severe deficiencies in social skills or social competencies that obstruct learning?
- (7) Is the student absent frequently? If so, how have grades been affected?

### Appendix 3B

## REGRESSED INTELLIGENCE QUOTIENT SCORES

**Instructions:**

A conversion table to regress intelligence quotient (IQ) scores is located on the following pages. The table has 4 columns. Column 1 indicates full-scale IQ scores. Columns 2-4 indicate corresponding correlation scores. Follow the instructions below to determine the regressed IQ score to be used in determining whether the 15-point discrepancy between ability and achievement exists.

1. Determine the correlation between the intellectual measure and the achievement measure that was used to assess the student. Correlations are usually stated in the instructor's manual for each test.
2. Determine the appropriate column (2, 3, or 4) to use based on the correlation between the two tests. The table provides correlations at .7, .6, and .5. Use .6 if you cannot find the correlation in the instructor's manual or test literature.
3. Locate the student's full-scale IQ score on the intellectual measure in column 1 of the table.
4. Follow the IQ score across to a correlation score in the appropriate column. That score is the regressed IQ score.
5. Subtract the student's actual achievement standard score from the regressed IQ score.

**Example:**

If the correlation between the IQ test and the achievement test is .6 and the student's full-scale score is 86, the student's regressed IQ score would be 92.

Regressed full-scale IQ score	92
Minus achievement standard score	-75
<hr/>	
Equals discrepancy	17

**Conversion Table to Regress IQ Scores**

<b>Full-Scale IQ Score</b>	<b>Correlation between full-scale IQ score and achievement scores</b>		
	<b>.7 Correlation</b>	<b>.6 Correlation</b>	<b>.5 Correlation</b>
150	135	130	125
149	134	129	125
148	134	129	124
147	133	128	124
146	132	128	123
145	132	127	123
144	131	126	122
143	130	126	122
142	129	125	121
141	129	125	121
140	128	124	120
139	127	123	120
138	127	123	119
137	126	122	119
136	125	122	118
135	125	121	118
134	124	120	117
133	123	120	117
132	122	119	116
131	122	119	116
130	121	118	115
129	120	117	115
128	120	117	114
127	119	116	114
126	118	116	113
125	118	115	113
124	117	114	112
123	116	114	112
122	115	113	111
121	115	113	111
120	114	112	110
119	113	111	110
118	113	111	109
117	112	110	109
116	111	110	108
115	111	109	108
114	110	108	107



113	109	108	107
112	108	107	106

Full-Scale IQ Score	.7 Correlation	.6 Correlation	.5 Correlation
111	108	107	106
110	107	106	105
109	106	105	105
108	106	105	104
107	105	104	104
106	104	104	103
105	104	103	103
104	103	102	102
103	102	102	102
102	101	101	101
101	101	101	101
100	100	100	100
99	99	99	100
98	99	99	99
97	98	98	99
96	97	98	98
95	97	97	98
94	96	96	97
93	96	96	97
92	94	95	96
91	94	95	96
90	93	94	95
89	92	93	95
88	92	93	94
87	91	92	94
86	90	92	93
85	89	91	93
84	89	90	92
83	88	90	92
82	87	89	91
81	87	89	91
80	86	88	90
79	85	87	90
78	85	87	89
77	84	86	89
76	83	86	88
75	83	85	88
74	82	84	87
73	81	84	87
72	80	83	86

71	80	83	86
70	79	82	85

**Appendix 3C**  
**DOCUMENTATION OF ADVERSE EFFECTS**  
**ON EDUCATIONAL PERFORMANCE**  
**FOR STUDENTS WITH SPEECH/LANGUAGE DISORDERS**

Documentation of adverse effects on educational performance can be gathered from a thorough assessment of communication skills. The assessment must include student, parent, and teacher input.

Information must be recorded by the speech-language pathologist (SLP) on the *Eligibility Report* form.

An assessment of a student's ability to communicate, rather than isolated skill assessment, will provide information on how the impairment affects the student overall. The following errors and problems should be considered when determining how the student's ability to communicate may adversely affect educational performance:

1. Sound errors, voice quality, or fluency disorders inhibit the student from reading orally in class, speaking in front of the class, or being understood by teachers, peers, or family members.
2. Sound errors, voice quality, or fluency disorders embarrass the student. Peer relationships suffer as a result, or peers may make fun of the student.
3. Sound errors cause the student to make phonetic errors in spelling or have difficulty in phonics.
4. Grammatical errors create problems with a student's orientation in time.
5. Morphological errors inhibit the student from using or making complete sentences.
6. Semantic problems slow the student's ability to follow directions, give directions, make wants and needs known, make oneself understood, relate information to others, or fully participate in daily living.



## Appendix 3D

Student: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

	<b>Nondisabling Condition</b>	<b>Mild</b>	<b>Moderate</b>	<b>Severe</b>
<b>Frequency</b>	Frequency of dysfluent behavior is within normal limits for student's age, gender, and speaking situation and/or less than 1 stuttered word per minute.	Transitory dysfluencies are observed in specific speaking situation(s) and/or 1-2 stuttered words per minute.	Frequent dysfluent behaviors are observed in specific speaking situations(s) and/or 4-10 stuttered words per minute.	Habitual dysfluent behaviors are observed in a majority of speaking situations and/or more than 10 stuttered words per minute.
<b>Descriptive Assessment</b>	Speech flow and time patterning are within normal limits. Developmental dysfluencies may be present.	Rate of speech interferes with intelligibility. Sound, syllable, and/or word repetitions or prolongations are present with no other secondary symptoms. Fluent speech periods predominate.	Rate of speech interferes with intelligibility. Sound, syllable, and/or prolongations are present. Secondary symptoms including blocking, avoidance, and physical concomitants may be observed.	Rate of speech interferes with intelligibility, sound, syllable, and/or word repetitions and/or prolongations are present. Secondary symptoms predominate. Avoidance and frustration behaviors are observed.
<b>Comments:</b> 				



## Appendix 3E

### VOICE RATING SCALE

Student: \_\_\_\_\_ School: \_\_\_\_\_ Date: \_\_\_\_\_

	<b>Nondisabling Condition</b>	<b>Mild Descriptive</b>	<b>Moderate Descriptive</b>	<b>Severe Wilson Voice Profile Scale</b>
<b>Pitch</b>	Pitch is within normal limits.	There is a noticeable difference in pitch that may be intermittent.	There is a persistent, noticeable inappropriate raising or lowering of pitch for age and gender, or evidence of dysphonia.	+3 Pitch -3 Pitch -2 Pitch +2 Pitch
<b>Intensity</b>	Intensity is within normal limits.	There is a noticeable difference in intensity that may be intermittent.	There is a persistent, noticeable inappropriate increase or decrease in the intensity of speech, or the presence of aphonia.	-3 Intensity +2 Intensity -2 Intensity
<b>Quality</b>	Quality is within normal limits.	There is a noticeable difference in quality that may be intermittent.	There is a persistent, noticeable breathiness, glottal fry, harshness, hoarseness, tenseness, strident, or other abnormal vocal quality.	-2 Laryngeal +3 Laryngeal +2 Laryngeal -3 Laryngeal
<b>Resonance</b>	Nasality is within normal limits.	There is a noticeable difference in nasality that may be intermittent.	There is a persistent noticeable cul-de-sac, hyper- or hypo-nasality, or mixed nasality.	-2 Resonance +3 Resonance +4 Resonance
<b>Description of Current Physical Condition</b>	No consistent laryngeal pathology; physical factors influencing quality, resonance, or pitch, if present at all, are temporary and may include allergies, colds, or abnormal tonsils and adenoids.	Laryngeal pathology may be present. Physical factors indicated in moderate and/or severe levels may be present.	Probable presence of laryngeal pathology. Physical factors may include nodules, polyps, ulcers, edema, partial paralysis of vocal folds, palatal insufficiency, enlarged/insufficient tonsils and/or adenoids, neuromotor involvement, or hearing impairment.	Physical factors may include: - unilateral or bilateral paralysis of vocal folds - laryngectomy - psychosomatic disorders - neuromotor involvement of larynx muscles, i.e., cerebral palsy
Comments:				







### Appendix 3F CONVERSION CHART

This chart may be useful in converting scores between different standard measures. The chart is applicable only with instruments that base their standardization on a mean of 100 with a standard deviation of 15 points. Use the data given in the examiner's manual of the assessment instrument being used if it is provided.

Standard Score	Percentile Rank	Standard Deviation
100	50	- .00
99	48	- .07
98	45	- .13
97	42	- .20
96	40	- .27
95	37	- .33
94	34	- .40
93	32	- .47
92	30	- .53
91	28	- .60
90	26	- .67
89	24	- .73
88	22	- .80
87	20	- .87
86	18	- .93
85	16	- 1.00

Standard Score	Percentile Rank	Standard Deviation
84	14	- 1.07
83	13	- 1.13
82	12	- 1.20
81	11	- 1.27
80	9	- 1.33
79	8	- 1.40
78	7	- 1.47
77	6	-1.52
75	5	- 1.67
74	4	- 1.73
72	3	- 1.86
70	2	- 2.00
67	1	- 2.20
61	<1	- 2.60



## Appendix 4

### Appendix Contents

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



## Appendix 4A

### BEST PRACTICES FOR IEP DEVELOPMENT AND IMPLEMENTATION

This appendix can assist individualized education program (IEP) teams in moving beyond mere compliance with the Individuals with Disabilities Education Act (IDEA) to a process for conducting better IEP team meetings and developing more meaningful IEPs. The approach presented here springs from the book *Better IEPs* by Barbara D. Bateman.

This appendix will address the following questions:

- How does the IEP team prepare for an effective IEP team meeting?
- What are the IEP team members' roles at the IEP team meeting?
- How does the IEP team conduct an effective IEP team meeting?
- What is an example of an IEP goal and benchmark/objective that result from an IEP team meeting as described in this appendix?
- What are team members' responsibilities after the IEP meeting?

The model described in this appendix ensures that the IEP process focuses on the student, not on merely completing forms to ensure compliance with the law. The model works best with simplified forms that serve to record IEP team decisions rather than drive the team's discussion. The process is similar to the process used in person-centered planning meetings. In practice, this model has consistently been found to be parent- and student-friendly, and to result in better-quality IEPs.

The success of this model is the adoption of a paradigm that incorporates the parent/adult student as a full and respected team member. The model is not just a step-by-step procedure. It focuses on the process and outcome of an appropriate educational plan. The model encourages IEP team meetings that are both relaxed and professional. Experience has shown that meetings that were expected to be emotionally charged, adversarial, or even hostile become positive and productive when this model is used. Parents with significant experience with IEP team meetings, even adversarial ones, have commented that this model provides opportunities for the best IEP meeting involvement.

#### **A. How does the IEP team prepare for an effective IEP team meeting?**

##### **1. Parent/Adult Student Preparation**

The IEP team must ensure that the parent/adult student is informed of his or her role as a full and equal participant in the IEP meeting and understands the kind of input that will be most helpful. As the individual most knowledgeable about the student at issue, the parent/adult student is the primary source of medical, social, and educational

information. He or she can also provide records from outside service providers or any additional information that may be pertinent to the student's needs. The parent/adult student must be contacted before the IEP meeting and must be aware of the type of information he or she can bring to the meeting.

The IDEA requires that the parent/adult student be included in discussions regarding the assessment decision and that he or she be given an opportunity to provide information to assist the team in doing an appropriate evaluation. Especially in the case of an initial placement, an appropriate IEP team member should discuss how the evaluation and IEP process works and how the parent/adult student can most effectively participate.

## 2. Setting

Meetings should be held in a setting that is comfortable for all participants. The furniture and the atmosphere should be appropriate for a professional meeting. A parent/adult student should never be required to sit in a small chair or at an uncomfortably low table. Interruptions should be kept at a minimum, and reasonable time should be allotted so that no one feels rushed. *All required participants should plan to be present for the entire meeting and to be active participants.*

### B. What are the IEP team members' roles at the IEP team meeting?

Student (if rights have not transferred)	The student's role is to participate and to have ownership in his or her IEP. The parent decides whether the student will participate in the IEP meeting. The student can attend a portion of the meeting, but is not required to be there for the entire meeting. The student must be invited when secondary transition is discussed.
Parent/Adult Student	The parent/adult student provides relevant information regarding any assessments previously performed by agencies other than the current district. The parent/adult student also provides his or her observations of the student's educational needs. The parent's/adult student's membership is fully recognized and appreciated by other team members.



District Representative	A district representative is an individual who meets the criteria of a district representative and is designated by the principal or the director of special education to fill that role. The district representative or designee <i>must</i> participate in the IEP meeting. He or she must be knowledgeable about the general education curriculum and about the availability of resources in the district. Assigning the school principal to be the district representative provides him or her with the opportunity to actively participate in the meeting. The district representative can act as facilitator, recording information on the chalkboard, chart paper, etc.
Special Education Teacher	The special education teacher is the team member most knowledgeable about and qualified in the area of the student's disability. He or she should provide a summation of assessment information as it pertains to each area being discussed.
General Education Teacher	The general education teacher is the student's general education teacher or a teacher qualified to provide education in the type of program in which the student may be placed. He or she should have clear ideas about what areas of the general education curriculum need to be addressed in the IEP. If the student has many teachers (middle school, junior high, high school), at least one general education teacher from a content area in which the student is having problems must attend, but they are not all required to attend the IEP meeting. Having too many participants at the meeting may be counterproductive. However, input from <i>all</i> the student's general education teachers in the content areas at issue should be obtained and brought to the meeting. Further, each of these general education teachers should be aware of the goals and benchmarks/objectives and of how to meet the goals and benchmarks/objectives in his or her setting.
Others	Psychologists, speech-language pathologists, occupational therapists, physical therapists, transportation personnel, vision and hearing specialists, school counselors, social workers, school nurses, service coordinators, vocational rehabilitation counselors, adult service providers, etc., are generally not required by law to attend IEP meetings. However, such individuals can serve as team members, participating by providing written reports or by preparing a copy of the recommended service schedule to share with other IEP team members, including the parent/adult student, before the meeting. When psychologists, speech-language pathologists, etc., are team members, they too can share relevant assessment information and assist in designing appropriate and meaningful services. Such team members should be carefully selected so that there is a specific purpose and need for attending. (See Chapter 4, Section 1, page 67 for required participants.)

**C. How does the IEP team conduct an effective IEP team meeting?****1. Gathering Information**

First, all legally required participants must be present. One team member should be designated to keep the meeting focused, on task, and moving along. This includes facilitating greetings, introductions, amenities, and then leading and guiding the participants in the IEP discussion. The discussion begins by listing the following student characteristics:

- a. strengths, including present levels of performance;
- b. needs, including present levels of performance; and
- c. general goal areas and services to address needs.

The method of listing these stages of IEP development should be highly visible to all participants, e.g., chalkboard, flip chart, projection equipment. See Example 1, page A-63.

Discussion begins with the parent/adult student sharing what he or she sees as the student's strengths and needs. This approach allows the parent/adult student to be actively involved from the onset. The special education teacher, general education teacher, specialists and other related service personnel then share information on what they see as the student's strengths and needs, including present levels of performance. The process is more effective as an open discussion rather than a "take turns reporting" type of format. Using a blackboard, a flip chart, or projection equipment, a team member generates a list from this information in the format shown in Example 1.

<b>Strengths including present levels of performance</b>	<b>Needs including present levels of performance</b>	<b>General goal areas and services to address needs</b>
<p>Likes to play simple games on the computer.</p> <p>Loves to look at books.</p> <p>Understands and follows 2-step verbal directions.</p>	<p>Has temper tantrums, needs to be compliant at home and at school.</p> <p>Student needs to be potty trained.</p> <p>Nonverbal—needs to develop neighborhood friends and learn to initiate social interaction.</p>	<p>Develop behavior plan based on assessment data to eliminate tantrums.</p> <p>Goals for toilet training.</p> <p>Establish an alternative communication system using an AT device.</p>

**Example 1:** Label the three areas that will be addressed using a blackboard, a flip chart, or projection equipment.

As an alternative to this process, the McGill Action Planning System (MAPS) or a similar process could be used when:

- a. a new student moves into the district;
- b. a student is transitioning from one school to another; or
- c. significant changes or turning points occur in a student's life and new information may be needed by the IEP team.

The MAPS process takes more preparation and involves a broader spectrum of participants, which may include relatives, peers, classmates, siblings, or caseworkers. All participants should receive the agenda in advance so they can be prepared for the discussion. The agenda should outline the eight areas to be discussed, as identified in the table on page A-64.

<b>1. What is Lee's history?</b>
This information provides an overview of the student's life.
<b>2. What is your dream for Lee?</b>
This gives the parent/adult student the opportunity to express his or her wishes and desires for the student.
<b>3. What is your nightmare for Lee?</b>
This gives the parent/adult student the opportunity to share his or her concerns and fears regarding specific situations.
<b>4. Who is Lee?</b>
This information should describe the characteristics and qualities of the student.
<b>5. What are Lee's strengths, gifts, and talents?</b>
This information focuses on the student's abilities instead of the negative aspects.
<b>6. What are Lee's needs?</b>
This information provides insight from all team members regarding possible goal areas.
<b>7. What is Lee's ideal day?</b>
This outline of the student's day will assist the team in determining when and where specific goals could be addressed and how the student will participate with peers in daily routines.
<b>8. What is the action plan for Lee?</b>
The action plan describes who will do what by when based on the student's needs as identified by the team.

**Example 2:** Using the McGill Action Planning System (MAPS) or a similar process, label the eight areas to be addressed using a blackboard, a flip chart, or projection equipment.

For more information regarding the MAPS process refer to:

Forest, M., & Lusthaus, E. (1990). Everyone belongs. *Teaching Exceptional Children*, 22, 32-35.

Stainback, S., & Stainback, W. (1996). *Inclusion: A guide for educators*. Baltimore MD: Paul H. Brookes Publishing.

## 2. Transferring Information to the IEP

From the information generated in step one, the special education teacher, related service provider or designee records the list of strengths, needs, and services in the team minutes or in the appropriate sections of the IEP form, which begins on page A-319.

General goal statements and benchmarks/objectives are then written on the IEP form. The parent/adult student may or may not be present when the specific goals and benchmarks/objectives are written and finalized. Regardless, if the parent/adult student is not in attendance when goals and benchmarks/objectives are written, the finalized IEP is sent to the parent and adult student with written notice prior to implementation.

## 3. IEP Service Description

The special education teacher or service provider discusses with the parent/adult student and related service personnel the services needed; the frequency, duration, start date, and location; and modifications. These are written in the service description section of the IEP. Also at this point, the following items can be discussed, determined, and documented in the team minutes or the appropriate sections of the IEP form:

- a. participation in special education services;
- b. participation in statewide or districtwide assessment;
- c. transition services;
- d. the need for extended school year (ESY) services; and
- e. least restrictive environment (LRE) requirements.

The parent/adult student and teachers determine modifications needed. They may review a checklist of accommodations and adaptations developed by the district and select those that will be used with the student in the general education classroom. The checklist becomes a supplemental page to the service description of the IEP, and a copy is given to the parent, adult student, and classroom teacher. Modifications may also simply be listed in the service description. The following table clarifies the term “modification”:

<b>Modification</b>  Modifications are accommodations or adaptations to the general education curriculum to meet the individual needs of a student with a disability. Modifications may also include alternative and supplemental curricula.		
<b>Accommodation</b>	<b>Adaptation</b>	<b>Alternative Curriculum or Supplemental Curriculum</b>
Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and settings. Accommodations do not invalidate assessment results.	Fundamental changes to curriculum, instruction, and assessments that enable students with disabilities to participate. Adaptations include strategies such as reading the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. Adaptations invalidate assessment results and provide noncomparable results.	An alternative or a supplemental curriculum is not based on or drawn directly from the general education curriculum. The most familiar example is the instruction done by special education staff when a student is pulled out of the classroom. If the material used is different from that being used in the general education curriculum, then it is either an alternative or a supplemental curriculum. Reading Recovery is a supplemental curriculum. Using 1st grade material with a 3rd grade student is an alternative curriculum.

After the IEP team has determined what modifications are necessary, the special education teacher or service provider should inform the parent/adult student of the following:

- a. The goals and benchmarks/objectives precisely describing the outcomes discussed by the IEP team will be sent to the parent and adult student within 3 days.
- b. The proposed IEP will include written notice.

- c. Upon reviewing the proposed IEP the parent/adult student may request revisions to the IEP, if needed.

Following these statements the IEP meeting can conclude.

**D. What is an example of an IEP goal and benchmark/objective that results from an IEP team meeting as described in this appendix?**

After the IEP meeting, the service providers listed in the IEP service description develop IEP goals and benchmarks/objectives for the student. The goals and benchmarks/objectives are sent to the parent and adult student within 3 school days. The purpose of the goals and benchmarks/objectives is to articulate the intended outcomes and the effectiveness of services.

<b>Present Levels of Performance</b>  <i>and</i>  <b>Areas of Need</b>	<b>Annual Goals:</b>	Level of performance expected in a year.
	<b>Benchmarks/Objectives:</b>	At least 2 benchmarks/objectives of how far by when, including how progress will be evaluated.
	<b>Progress Reporting:</b>	How will the parent/adult student be informed of progress on this goal?
Susie has good left-right orientation, knows all of the letters, knows beginning sounds, has an accuracy rate of 75% and an error ratio of 1:4 on the running record. She currently reads at 1.6 grade level. She needs to increase her reading skills to a 2.6 grade level.	1. Susie will increase reading skills from 1.6 grade level to 2.6 grade level as documented by the running record. Progress will be reported to the parent at regularly scheduled parent-teacher conferences. <ul style="list-style-type: none"> <li>▪ By 11/1/01 Susie will increase her reading skills to 1.9 grade level.</li> <li>▪ By 3/1/02 Susie will increase her reading skills to 2.2 grade level.</li> <li>▪ By 5/20/02 Susie will increase her reading skills to 2.6 grade level.</li> </ul>	

**E. What are team members' responsibilities after the IEP meeting?**

Many of the team members' responsibilities have been described above, but to clarify and summarize, the following are important steps to effectively complete and implement the IEP:

1. The special education teacher and any other service providers should meet to finalize and formalize the writing of the goals and benchmarks/objectives. In some cases this may have been completed at the IEP meeting; however, as long as the parent/adult student has been a full participant and understands the decisions made regarding IEP content, finalization of IEP goals and benchmarks/objectives can occur after the meeting to allow discussion and writing in a less pressured setting. It is wise for the team to set a timeline so that the IEP is completed in a timely manner. Three days is generally reasonable.
2. When possible, the special education teacher and the general education teacher should meet with the parent/adult student immediately following the formal IEP meeting to clarify specific modifications to the general education curriculum. This may also take place during the IEP team meeting.
3. Copies of the IEP or some suitable summarization must be given to the general education teachers working with the student. This will inform and remind them of the modifications and the services being provided, and their role in that process.
4. Written notice must be sent to the parent and adult student with a copy of the completed IEP.

***Reference:***

Bateman, Barbara D. (1992-1996). *Better IEPs: How to develop legally correct and educationally useful programs*. (2nd ed., 3rd printing). Longmont, CO: Sopris West.



## **Appendix 4B**

### **TRANSITION FOR SECONDARY STUDENTS**

Transition planning is a formal process to assist students with disabilities as well as their families to prepare for the movement from school programs and services to their future as active, adult members of the community and society. It is an integral part of the individualized education program (IEP) for secondary students. Transition planning should result in the secondary student receiving appropriate services and programs and having experiences that will provide him or her with the self-confidence and skills needed to enter postsecondary education or the work force. The secondary transition process provides opportunities to:

- assist the student and his or her family in thinking about the future and in identifying the focus of the student's course of study that will develop the knowledge and skills necessary for the student to meet his or her goals after high school;
- jointly plan for the school and community experiences that will relate directly to the student's dreams and desired outcomes;
- assist the student and his or her family in making linkages to the agencies and services they will need during and after high school; and
- increase the student's likelihood of success once he or she graduates or exits school.

### **Section 1. Overview**

#### **A. Transition Services**

Providing secondary transition services involves a partnership among students and their families, district personnel, adult-service providers, employers, and postsecondary education support services in the local community. The result of this partnership is the student's movement from school to postsecondary education, vocational training, employment, independent living, and community participation. Secondary transition services provide the necessary link to increase the likelihood that this movement will be successful for students with disabilities. Over the years, the IDEA has recognized the necessity of planning and preparing students and their families for the challenges and complexities of the adult world. The IDEA defines transition services as:

1. an outcome-oriented process for a student with a disability;
2. based on the individual student's needs, taking into account the student's preferences and interests;
3. a process that identifies student postschool goals which promotes movement from school to postschool activities, including postsecondary education, vocational training,

integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and

4. a coordinated set of transition activities for instruction, related services, community experiences, the development of employment and other postschool adult-living objectives, and, when appropriate, the acquisition of daily living skills and a functional vocational evaluation.

Planning for secondary transition and the services that are needed should span a multiyear period that begins for each student at age 14, or earlier if appropriate, and should continue until the student graduates from or exits school. Planning begins with developing a course of study that focuses on applicable components of the student's IEP and continues to identify transition services needed in the following areas: employment, postsecondary training and education, adult living, and community participation (including transportation, recreation, and leisure). Other areas that need to be considered are self-determination and advocacy, legal services, social and family relationships, medical services, financial planning, and any other area related to a student's needs. In addition, a statement of any linkages with other agencies for transition services will also be incorporated into the IEP process for each student beginning at age 16, or younger if appropriate.

## **B. Outcome-Oriented Process**

The process used to develop a student's IEP at the secondary level includes gathering information, setting postschool goals, and providing experiences that will prepare the student for his or her adult life. Secondary transition places the student's dreams for the future as the starting point for the development of annual goals, benchmarks/objectives, and transition activities that comprise the student's IEP. Beginning at age 14, the assessment of needs, planning, and implementation of services that has occurred during the IEP process described in Appendix 4A on page A-59 expands to focus on instruction, related services, community experiences, employment, and adult-living activities to assist the student in reaching his or her dreams.

## **C. Student Preferences, Interests, and Needs**

The IEP team, which includes the student, must assist the student and his or her family in determining strengths, needs, preferences, and interests related to the student's life following high school. This can be accomplished through the use of interviews, observations, informal assessments (pictorial, written, and work samples), and formal assessments (career inventories) to gather information on the student's abilities, preferences, and choices. Areas to consider in this process include:

1. employment;
2. postsecondary education and vocational training;
3. adult living; and

4. community participation.

Other areas that may assist the student in achieving his or her desired outcomes include:

1. self-determination and advocacy;
2. legal services;
3. social skills;
4. health and medical services; and
5. financial planning.

#### **D. Student-Identified Postschool Goals**

Postschool outcomes will be addressed in each student's identified areas of need, which may include employment, postsecondary education/vocational training, adult-living activities, and community participation. In other words, postschool outcomes should be developed to address where the student is going to work, live, play, and continue to learn after high school graduation. When assisting a student and his or her family to plan for the future through the development of postschool goals, several things should be kept in mind:

1. Postschool goals should speak to what is going to happen to the student after graduation.
2. Postschool goals may initially be less specific, increasing in detail as the student moves through his or her high school experiences.
3. Postschool goals may change from year to year, and the process of transition planning must be flexible enough to accommodate the student's desires, needs, situations, and dreams.
4. There may be cases where a student may not require transition services in one of the areas because the student already possesses all the necessary skills or already has access to the services, resources, or supports needed to accomplish the goal.
5. The development of postschool goals must be accomplished through a planning process that involves the student, the parent, school personnel, and adult-service providers.

#### **E. Coordinated Set of Transition Service Activities**

Transition services for students must be coordinated within the school and with service providers within the community. These activities should be planned, organized, and delivered in a sequential manner and should be aimed at ensuring the achievement of the student's identified postschool goals. The IEP should reflect the following transition areas:

1. **Instruction/Related services:** The teaching of skills required to meet the student's identified postschool goals. These skills should be written in the IEP as annual goals and benchmarks/objectives that can be taught through general and/or special education.
2. **Community experiences:** Experiences in the community that provide the student opportunities to develop skills in the actual settings they may be used. The IEP will address these skills as goals and benchmarks/objectives and/or outline these skills as future outcomes in the appropriate sections. This should include agency linkages that are needed to ensure that the community experiences occur.
3. **Employment:** Employment services and/or experiences provided by the school or other agencies in the community that will lead to future career/job opportunities. These activities must be outlined in the future outcomes section of the IEP. When skills must be learned they should be written as goals and benchmarks/objectives.
4. **Adult-living activities:** Activities that develop skills needed to function as independently as possible in adult environments. These activities include obtaining medical care, renting an apartment, acquiring and filing for insurance, or buying furniture. These activities must be outlined in the future outcomes section of the IEP. When skills must be learned, they should be written as goals and benchmarks/objectives.

Based on the individual needs and goals identified for the student, the IEP must also include activities in the areas of daily living skills and a functional vocational evaluation.

1. **Daily living skills:** Activities such as personal hygiene, home maintenance, and cooking that are required for day-to-day functioning in the community and lead to increased independence. Daily living skills should be written as goals and benchmarks/objectives in the IEP.
2. **Functional vocational evaluation:** An assessment of a student's interests, aptitudes, and vocational skills. These assessments can be performed by the school or an outside agency. Timelines and the person responsible should be outlined in the future outcomes section of the IEP.

## Section 2. Transition Planning in the IEP Process

This section lists the activities necessary for successful transition planning in chronological order. It is important that the student be an active participant in each step of the transition planning and throughout the IEP process. The transition plan is not a stand-alone document. It is an integral component of an IEP at the secondary level and must be reviewed annually to reflect the changing needs of the student. The suggested steps for development of an IEP at the secondary level are outlined in Section 3 on page A-75 of this appendix.

**A. Meeting Participants**

The district has the primary responsibility for planning, organizing, and conducting all transition meetings. All the requirements for IEP team members apply at IEP team meetings where secondary transition is to be discussed. The district must document that an invitation has been extended to the student to participate in the transition planning meeting. If the student does not attend, the school must take other steps to ensure that the student's preferences and interests are considered.

Additional IEP team members may be needed to address issues specific to the secondary transition process. If an agency other than the school is responsible for providing or paying for transition services, that agency must be invited.

**B. Before the IEP Meeting**

1. Assist the student and family in determining strengths, needs, preferences, and interests related to the student's life following high school. Resources that can be used in identifying student interests and preferences and in developing self-determination curricula can be found in Section 4 of this appendix on page A-76.
2. Using information gathered through the process described in number 1 above, assist the student in visualizing the future beyond high school and in identifying his or her desired goals and outcomes for adult life in each of the areas of transition.
3. Assist the student and family in identifying skills that the student must have to successfully achieve his or her desired goals and outcomes for adult life in each area of transition.
4. Using all of the information gathered through the described process, determine the student's present level of performance in each of the areas of transition.
5. Taking into consideration the student's interests and present levels of performance in each area of transition, list the knowledge and skills the student will need to develop. In addition, identify activities and services that may assist the student in achieving his or her goals.

**C. During the IEP Meeting**

1. Develop student-identified postschool goals.
2. Develop a plan by reviewing the present levels of performance and skills needed for success in desired future environments.
3. Write statements of needed transition services that reflect the future skill demands in each of the identified transition areas. This must include a parent-approved student learning plan that is developed and in place no later than when the student turns 15.

These statements become the basis for developing the annual goals, identifying needed supports, establishing benchmarks/objectives, and determining the specific linkages with other agencies.

4. Write measurable annual IEP goals that will eliminate or reduce barriers to success and increase the opportunities to achieve the student's vision of the future.
5. Write benchmarks/objectives for meeting the measurable IEP goals.
6. Identify the specific resources, courses, programs, services, linkages, modifications, and options needed by the student to reach the annual goals.
7. For each student beginning at age 16, or earlier if appropriate, determine and specify linkages to agencies outside the school that will provide services to assist the student in the achievement of his or her goals. The IEP team should determine how and when the linkages will be made.
8. Establish reasonable timelines for implementing the IEP and include how often the district will inform the parent/adult student of progress toward the annual goals and dates for monitoring one-time tasks. Progress will be reported at least as often as the district informs parents of children without disabilities of their progress.
9. Designate the responsible persons for implementing the various components of the plan, with the full knowledge and approval of all persons named.
10. Provide written notice as required for the IEP process (see Chapter 7, Section 3, page 118 for information on written notice).

#### **D. After the IEP Meeting**

1. Provide the instruction, experiences, and services outlined in the IEP.
2. Collect data to determine if skills that have been acquired are adequate for achieving the student's identified goals and outcomes for adult life. If data indicates progress toward the goals is not adequate, determine alternative strategies. Evaluating the progress toward benchmarks/objectives is an ongoing process that may lead to IEP revisions.
3. Communicate progress toward the annual goals to the parent and student.
4. If an agency fails to follow through on services agreed to in the transition plan, the school must initiate a meeting to identify alternative strategies to address the needed transition service.
5. Monitor outcomes by reviewing the IEP at least annually. The review is important to determine whether the transition needs are still the same. Through the process of reviewing data collected throughout the year, the IEP team determines the present levels

of performance, current needs, preferences, and interests. The student should also determine if his or her preferences and interests have changed.

6. Revise the IEP annually to meet the needs of the student. Statements of needed transition services in the new IEP may be a combination of revised IEP transition goals from the previous IEP, new goals, benchmarks/objectives, and coordinated activities.

### **Section 3. Transition Service Age Requirements**

#### **A. Requirements at Age 14**

For each student beginning at age 14, or earlier if determined appropriate, the IEP must include a statement of the transition service needs of the student under the applicable components of his or her IEP that focus on the student's course of study during the secondary school experience. For example, if a student's postschool outcome in the area of postsecondary education is to enroll in a community vocational program dealing with mechanics, then the course of study should reflect classes required to enroll in a community college and also vocational courses in auto mechanics or work experience. At this time the IEP team should also consider whether the student will participate in driver's education and, if so, the nature of any accommodations that may be needed.

Administrative Rules of the State Board of Education include a provision for the development and annual update of a parent-approved student learning plan for all students in Idaho. This plan is required no later than the end of the 8th grade unless the parent requests that a plan not be developed. According to state rules, the plan will describe the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standard. The plan is to be developed by the student and parent with the advice and recommendations of school personnel. This plan, when completed using the required process discussed in Section 2 on page A-72 and attached to the IEP, can be used to meet part or all of the requirements of the statement of needed transition services, provided that it is based on individual student needs, including his or her preferences and interests, and includes the student's postschool goals.

Since the state rules are less restrictive than the IDEA requirements in regards to age and the mandate of a transition statement, the federal requirements prevail. Under the IDEA, the transition services requirement that focuses on courses of study must be included in the IEP; there is no provision for a parent to request that this requirement not be addressed. Furthermore, the statement of transition service needs, which focuses on the course of study, will need to be developed and in place beginning at age 14. The statement must be developed at the first IEP meeting after the student turns 14 years old, or earlier if determined appropriate by the IEP team.

#### **B. Requirements at Age 16**

For each student beginning at age 16, or younger if determined appropriate, the IEP will contain a statement of needed transition services including any linkages with other agencies and their

interagency responsibilities. For example, if a student has transition needs in the area of postsecondary training, and a vocational assessment needs to be conducted by the Idaho Department of Vocational Rehabilitation, then the statement of the interagency responsibilities needs to be identified and outlined in the IEP. The statement must be developed at the first IEP meeting after the student turns 16 years old, or earlier if determined appropriate by the IEP team.

### **C. Requirements at Age 17**

The IEP team is required to discuss with the family issues regarding transfer of rights and guardianship as part of the transition process. Not later than the student's 17th birthday, the IEP must include a statement that the parent and student have been informed whether or not special education rights will transfer to the student on his or her 18th birthday. Special education rights will transfer from a parent to an adult student when the student turns 18 years of age with two exceptions: (1) the IEP team determines the student is unable to provide informed consent with respect to his or her special education program; or (2) the parent has obtained legal guardianship including the scope of educational matters. More information on the transfer of special education rights and guardianship can be found in Appendix 7A, page A-137.

## **Section 4. Resources**

### **The following references can be used for implementing secondary transition:**

Idaho State Division of Vocational Education. (1998). *Taking the mystery out of the student learning plan: Finding the beginning paths to planning information guide*. Boise, ID: Division of Vocational Education.

Public Schools of North Carolina. (1998). *Touching the future: Lighting the way. North Carolina Transition Manual*. Raleigh, NC: State Board of Education, Department of Public Instruction.

### **The following references can be used in transition planning to determine the student's interests and preferences:**

Forest, M., & Lusthaus, E. (1990). Everyone belongs. *Teaching Exceptional Children*, 22, 32-35.

Menchitti, B. M., & Sweeney, M. A. (1995). *Person-centered planning*. (Technical Assistance Packet #5.) Gainesville, FL: University of Florida, Department of Special Education Florida Network.

Pearpoint, J., O'Brien, J., & Forest, M. (1993). *PATH: A workbook for planning positive futures*. Toronto: Inclusion Press.

Stainback, S., & Stainback, W. (1996). *Inclusion: A guide for educators*. Baltimore, MD: Paul H. Brookes Publishing.



Vandercook, T., York, J., & Forest, M. (1989). The McGill action planning system (MAPS): A strategy for building the vision. *The Journal of Association for Persons with Severe Handicaps*, 14(3), 205-215.

**The following references can be used for teaching self-determination to students with disabilities:**

Martin, J. E., Marshall, L. H., Maxson, L., & Jerman, P. (1996). *Self-directed IEP*. Longmont, CO: Sopris West.

Martin, J. E., Marshall, L. H., Maxson, L., & Jerman, P. (1997). *Choosing employment goals*. Longmont, CO: Sopris West.

Sands, D. J., & Wehmeyer, M. L. (1996). *Self-determination across the life span: Independence and choice for people with disabilities*. Baltimore, MD: Brookes Publishing.

Wehmeyer, M. L., Agran, M., & Hughes, C. (1998). *Teaching self-determination to students with disabilities: Basic skills for successful transition*. Baltimore, MD: Brookes Publishing.



## **Appendix 4C**

### **EARLY CHILDHOOD TRANSITION**

Transitions are defined as points of change in personnel who coordinate and deliver services to students with disabilities and their families as well as changes in the actual services. Periods of transition present an array of challenges and a sense of uncertainty to families, educators, and all service providers. Transition issues include the shift from one service system to another, differences in eligibility requirements, new demands for child participation, differing expectations for child behavior and “readiness,” new types and levels of staff involvement and training, and philosophical shifts in intervention models. Careful and thoughtful planning by the IEP team will ensure a smooth and coordinated movement between programs and services. The Transition Events Checklist, Attachment 2, Transition Events, on page A 88, contains a summary of activities that facilitate effective transitions for children, their families, and the programs that support them.

In early childhood special education (ECSE) there are two major transition points: (1) when students move from Part C services to Part B services of the Individuals with Disabilities Education Act (IDEA); and (2) when students transition from ECSE preschool programs to the regular kindergarten school-age programs. This appendix delineates the components and responsibilities involved in a coordinated and effective transition process from Part C’s early intervention programs to Part B services, or to other appropriate community services.

## **Section 1. Overview**

### **A. Rationale for Planning Transitions**

Transitions are crucial times for decision making about children’s services. The transition process should:

1. ensure continuity of services;
2. minimize disruptions to the family system by facilitating adaptation to change;
3. ensure that a child is prepared to function in the receiving program and that service providers are prepared to meet the needs of the child; and
4. fulfill the legal requirements of Parts B and C of the IDEA Amendments of 1997.

## **Section 2. Legal Requirements for Transition Planning**

### **A. Part B Requirements**

Under Part B of the IDEA, the State Department of Education (SDE) must have policies and procedures for transition from Part C infant and toddler services to Part B preschool programs;

these policies and procedures must ensure that children participating in early intervention programs assisted under Part C will experience a smooth and effective transition to preschool programs under Part B. In addition, districts will participate in transition planning conferences arranged by the designated lead agency under Part C, which is the Department of Health and Welfare (DHW) Infant Toddler Program (ITP) in the State of Idaho. Eligibility under Part B of the IDEA must be determined by the 3rd birthday of a child who is currently receiving services through the Infant Toddler Program. An individualized education program (IEP) or an individual family service plan (IFSP) has to be developed and implemented for each child who is eligible to continue services under the IDEA.

Children may be referred for services from the Infant Toddler Program, private preschool or childcare providers, from Head Start or Even Start programs, or directly from parents. Prereferral guidelines and activities for all children are located in the Idaho Special Education Manual, Chapter 2, and Section 4.

## **B. Part C Requirements**

The DHW's Infant Toddler Program is the lead agency for services to infants and toddlers, birth through thirty-six months of age under Part C of the IDEA. The Infant Toddler Program is required to have policies and procedures to ensure a smooth transition for toddlers receiving early intervention services. The policies and procedures must include a description of how families will be included in the transition plan and, if appropriate, how and when the local district where the child resides will be notified that the child will shortly reach the age of eligibility for preschool services under Part B.

Transition related outcomes and activities must be incorporated into the IFSP for all children over two years of age or exiting from the ITP. Parents must be included in planning what types of services and where future services will be provided to their child. When considering the transition, ITP staff will explore a variety of community options with the family (i.e. private childcare programs, neighborhood play groups, Head Start, structured recreational opportunities, developmental preschool programs, etc.) to determine the most appropriate setting that will meet the child and family's need for ongoing support and services after exiting the ITP. A transition planning conference will be scheduled involving representatives from selected program(s) at least 90 days (and at the discretion of all parties, up to 6 months) before the child becomes eligible for those services.

In the case of a child for whom ECSE preschool services in the district may be appropriate, a transition planning conference, with family approval, will be conducted by the Infant Toddler Program with the family and the district. The planning conference will occur at least 90 days (and at the discretion of all parties, up to 6 months) before the child is eligible for Part B preschool services. Discussion at the transition conference will include information related to the transition process: assessment, placement options, or other areas of concern to the family, child, or program personnel.

Samples of the following forms are included on pages 86 to – of this appendix:

- Comparison of IEP and IFSP;

- Transition Timeline;
- Transition Checklist from Infant Toddler Program to Preschool Services;
- Interagency Protocol Worksheets.

### **Section 3. Implementing the Requirements of ECSE Interagency Agreements**

Since children receive services from different agencies during transition, interagency coordination and cross agency linkages are crucial. These linkages establish lines of responsibility and coordinate facets of the process including child-find, referral and assessment, and eligibility requirements. Interagency agreements exist to ensure a smooth transition from Part C to Part B, or other services, for children with disabilities and their families. A state interagency agreement exists between the SDE, the Infant Toddler Program, Head Start, and Migrant Head Start. Interagency protocol should also exist between local districts, local Head Start programs, the regional Infant Toddler Program, and other service providers as appropriate.

Successful transitions promote:

- Family involvement and empowerment by assessing needs, exchanging information, and developing appropriate outcomes
- Appropriate child preparation through assessment of the child and development of steps to help the child adjust to, and function in, new settings
- Effective communications, joint decision-making, and shared responsibility among all team members.
- Placement decisions that meet each child's individual needs
- Uninterrupted services
- Non-confrontational and effective models of advocacy that families can emulate throughout their children's lives
- Avoidance of duplication in assessment and goal planning
- Reduced stress for children, families, and service providers.

The interagency agreement between SDE, Infant Toddler Program, Head Start, and Migrant Head Start outlines the obligations of each agency cooperating in the transition process as follows:

1. At the second birthday IFSP, the Infant Toddler Program will address steps to support transition to meet the needs of the child and family. They will advise the family of placement and service options available, including Head Start and other community resources, for placement when the child turns age 3.
2. The Infant Toddler Program is responsible for obtaining parental consent prior to the exchange of confidential information. The ITP is also responsible for notifying the receiving agency that children will be transitioning into their program. This notification must be given at least 6 months prior to each child's 3<sup>rd</sup> birthday.

3. The Infant Toddler Program must coordinate with the receiving agency to ensure that existing assessment information to assist in determining eligibility and programming is compiled and given to the receiving program prior to or at the transition-planning meeting. The team should consider the needs of the child, the assessment tools used, and IDEA requirements for eligibility when determining “how current” an assessment must be.

4. The Infant Toddler Program will convene a Transition Planning Meeting at between 90 and 120 days prior to the child’s 3rd birthday. The child’s IFSP must include steps to be taken to support the transition of the child to Part B or other appropriate services. Infant Toddler Program will be responsible for including the family in the transition process and will provide notice to the family of transition activities and of the family’s rights under Part B of the IDEA.

5. *March 1st* is the date by which a determination must be made regarding which agency (ITP or district preschool) will provide services for the remainder of the school year. Assuming appropriate parental input, consent and eligibility determination, the following timelines apply.

If the child’s 3rd birthday occurs before March 1st of a given school year, and the child has been determined eligible for service under Part B, the district will provide services from the 3rd birthday through the remainder of the school year unless a local interagency agreement or IEP/IFSP specifies differently.

If the child’s 3rd birthday occurs after March 1st of the given school year, the Infant Toddler Program will provide services throughout the summer until the beginning of the district’s school year. New referrals taken during the summer will be processed as soon as possible when the school district resumes services in the fall.

Note: It is important that the agencies coordinate their efforts to determine eligibility under Part B. Agencies must ensure that eligibility decisions are made prior to the district’s summer break so that the Infant Toddler Program can continue to serve eligible children during the summer months. The team may use traditional norm- or criterion- referenced assessments, or performance-based assessment to support eligibility determination. Please see Chapter 3 of the Idaho Special Education Manual for complete information on eligibility.

6. The district will participate with the Infant Toddler Program in a transition planning conference. In addition, the district will review existing assessment information, identifying what additional evaluations/assessments, if any, are needed to determine eligibility for Part B services. Under Part B of IDEA, the parent is a member of the evaluation team and must be provided an opportunity to give input and participate in making team decisions. If additional assessments are needed, the participants will determine who will be the most appropriate person/agency to conduct needed assessments.

7. The district and/or the Infant Toddler Program will conduct needed evaluations/assessments prior to the child’s 3rd birthday. Eligibility for Part B services can be determined at the transition planning conference if sufficient information is available and all required evaluation team members are present, or through another method or meeting prior to the child’s 3rd birthday.

8. The district may develop an IEP or accept the IFSP and implement the educational components. If the district and parent agree to use an IFSP, the district must provide the parent with a detailed explanation of the differences between an IFSP and an IEP and obtain written consent. A sample explanation of the differences between an IFSP and an IEP can be found on pages A 86-A 87.

9. An IEP can be developed at the transition planning conference (if all required IEP team members are present) or at another IEP team meeting prior to the child's 3<sup>rd</sup> birthday. The district must obtain parental consent for placement prior to the initiation of Part B services. The IEP/IFSP team, including the parent, will review all placement options after goals and benchmarks are selected. Placement discussion should be centered on the least restrictive environment in which the goals and benchmarks can be addressed with supports and accommodations.

10. Head Start and Migrant Head Start will initiate and participate in a transition planning conference with the district for children with disabilities who are enrolled in their programs. Local interagency protocols will specify timelines and responsibilities for transitions from these programs.

## **Section 4. Collaborative Planning and Coordination**

Transitions require a great deal of effective communication and coordination among the agencies and programs that provide services to young children with disabilities and their families. Interagency cooperation must occur at all levels: agency, building, classroom; and between teachers, developmental specialists, and therapists. Transition agreements and strategies must be adapted to address different types of services and systems to meet the needs of children and families from different cultural, linguistic, ethnic, racial, and socio-economic backgrounds. Some effective strategies include:

1. ensuring that all participants (family members and professionals), have information about the child/family concerns and priorities;
2. providing families with information in formats that match the needs of the family (written vs. oral, group vs. individual, video) and including opportunities for program visitation.
3. assessing and teaching the skills needed by the child in the next environment.
4. coordinating training of personnel between programs.

### **A. Interagency Protocols and Components**

Local school districts, DHW, Head Start, Migrant Head Start and other local provider representatives agree to develop written interagency protocols that delineate roles and responsibilities. Protocols may be developed by any combination of districts and agencies as locally determined and should be as specific as parties deem necessary. These protocols must be reviewed annually and updated as needed. The local school district will ensure that interagency protocols are developed. Copies of written protocols will be included in each school districts application for federal funds. Copies of the Interagency Protocols will be distributed to

appropriate staff to ensure a clear understanding of and compliance with the protocol. Protocols may include but are not necessarily limited to:

- Contact information for each agency
- Child find responsibilities
- Referral contacts
- Exchange of information
- Team/family transition planning meeting: at least 90 days and up to 6 months prior to the child's 3<sup>rd</sup> birthday
- Transition contacts/timelines/meeting requirements
- Evaluations
- Use of IFSP or IEP at transition
- Agency dispute process or acceptance and use of the dispute process outlined in this agreement

The interagency protocol may be expanded, at the discretion of the parties, to include specifics regarding the following topics:

- staff positions that will attend the transition planning conference and/or IEP/IFSP team meetings;
- roles and responsibilities of team members attending transition planning conference and/or IEP/IFSP meetings
- procedures and agenda items for required transition and IEP meetings
- procedures for making placement decisions;
- development of community linkages for inclusive environments;
- financial and child count responsibilities;
- transportation arrangements;
- joint training efforts; and
- policies and procedures for exchanging confidential education records.
- process for monitoring the agreement.

## **B. Part C Transition Planning**

For an effective transition to occur for a specific child, planning should allow for team discussions and the time to make individualized decisions about evaluations, services, monitoring, transition activities, and placement for the child with disabilities.

A Part C transitional IFSP written by the Infant Toddler Program and family, with the participation of the district, should address the following:

1. Assess the sending and receiving environments to determine skills needed by the child;
2. Develop transition goals that will prepare the child for changes in service delivery and help the child adjust to or function in new settings;



3. Develop benchmarks/objectives for the IFSP or IEP including activities that the parent has requested to support transition;
4. Determine what additional information is needed to help the receiving program understand the child's current needs; and
5. Include activities needed by service providers in the receiving program to best meet the needs of the child, for example, site visits, training opportunities, etc.

### **C. Family/Parent Involvement**

The one constant component in a child's life as he or she moves through the continuum of agencies and services is the family. While all children experience transition in their early years, children with developmental challenges and their families may experience more frequent and more intense transitions in necessary services. Family concerns during the transition process are increased by changes in friendship ties and service delivery systems as the child moves from home-based to more center-based and child-focused services. The parent is ultimately responsible for the child's development, education, and social and emotional well-being. Parents should be empowered to function as educated decision makers, caregivers, teachers, and advocates for their children.

Even after the child's transition has occurred, a systematic method for effectively involving the parent should be developed. The following are a few of the many possible materials and activities that may be helpful to parents during the transition process.

- District parent orientation packet
- District parent handbook or manual
- Materials and contacts for Idaho Parents Unlimited
- Parent information or support groups in partnership with IPUL
- Parent-child play groups
- Parent classroom volunteer programs.

It is important to gain information regarding satisfaction toward the transition process, identify areas of continued concern, and generate a list of potential activities that could be implemented. The district and Infant Toddler Program must ensure that families have all the necessary information regarding program operation, parental rights, and parental responsibilities. A parent handbook is useful in providing this information to the child's family. An emphasis on including parents as equal partners will help ensure a smooth transition for children with disabilities.

### Attachment 1 Comparison of the IEP and IFSP

Districts have the option of using an Individual Family Service Plan (IFSP) instead of an Individualized Education Program (IEP) for children ages 3 through 5. If this option is used, parents of children with disabilities in this age group must be provided with a detailed explanation of the differences between an IFSP and an IEP and must give written consent to use an IFSP. If an IFSP is used, it must be developed in accordance with Part B of the Individuals with Disabilities Education Act (IDEA) and the policies and procedures of the Idaho Infant Toddler Program. The following is an explanation of the differences between an IEP and an IFSP:

<b>Components of the IEP</b>	<b>Components of the IFSP</b>
A statement of the child's present levels of educational performance including how the disability affects the child's participation in appropriate activities.	A statement of the child's present levels of physical, cognitive, communication, social or emotional, and adaptive development, based on objective criteria.
A statement of measurable annual goals and benchmarks/objectives related to how the child will be involved and participate in appropriate activities, as well as how the child's educational needs that result from the disability will be met.	A statement of the major outcomes expected to be achieved for the child and the family.
A statement of the special education and related services, modifications, and supplementary aids and services to be provided to the child or on behalf of the child.	A statement of specific early intervention services necessary to meet the unique needs of the child and family.
An explanation of the extent, if any, to which the child will not participate with children without disabilities in the general class and classroom activities.	A statement of natural environments in which early intervention services will be provided, including a justification of the extent, if any, to which services will not be provided in natural settings.

<b>Components of the IEP</b>	<b>Components of the IFSP</b>
A statement of how the child's progress toward the annual goals will be measured, including how the child's parent will be regularly informed. This is to include the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.	The criteria, procedures, and times used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.
Parent signature on the IEP indicates that the parent attended the meeting and participated in the development of the IEP. Informed written consent must be given by the parent for the initial provision of special education and related services under Part B as outlined in the IEP.	Parent signature on the IFSP means informed written consent is given for the services listed in the IFSP.
	The identification of the service coordinator from the profession most immediately relevant to the child's or family's needs, (or who is otherwise qualified to carry out all applicable responsibilities) who will be responsible for the implementation of the plan and coordination with other agencies and persons.
	A statement of the family's resources, priorities, and concerns relating to enhancing the development of the child with a disability.
	The steps to be taken to support the transition of the child with a disability to preschool or other appropriate services.

## Attachment 2

### Child's Age in Months/Years

Transition Events	24m/ 2yrs	25	26	27	28	29	30m/ 2-5yrs	31	32	33	34	35	36m/ 3yrs	Over 3yrs
1. Discuss transition with family														
2. Notify school district of pending transition														
3. Schedule and hold transition planning meeting														
4. Schedule and conduct evaluations														
5. Hold meeting to determine eligibility														
6. Family visits new program options														
7. Receiving agency observes child														
8. Hold IFSP/IEP meeting; determine Least Restrictive Environment (LRE) and placement														
9. Records transferred to new program														
10. Evaluate transition process														

Note:

- 1) All activities must be completed by the child's 3<sup>rd</sup> birthday.
- 2) Shaded areas denote suggested timeframes for completion of activities.
- 3) Individual needs of families should guide actual completion dates.

Transition Events	ACTIVITIES	Responsible Party/Agency	Timeline (child's age in months)	Completion Date/ Initials
<b>1. 2<sup>nd</sup> Birthday IFSP Meeting</b>	*Prior Written Notice (PWN)	Sending Agency	24-30 months	
Incorporate preliminary transition activities into IFSP at meeting closest to child's 2 <sup>nd</sup> birthday	*Consent to release information	Sending Agency		
	*If appropriate, give Copy of Part B Parent's Rights	Sending Agency		
	Explore placement & service delivery options	Sending Agency		
	IFSP update	Sending Agency		
<b>2. Notify school district of pending transition</b>	Letter to school district	Sending Agency	29-30 months	
<b>3. Schedule and hold transition planning meeting</b>	Document activities	Sending Agency	30-33 months	
	IFSP transition plan	Family		
	Review records/evaluations	Receiving Agency		
	*Obtain consent to evaluate	Sending or Receiving		
	Obtain physicians orders (if required)	Sending or Receiving		
<b>4. Identify evaluation team and conduct evaluations</b>	Request parent input re: evaluations	Sending Agency or	30-34 months	
This process must include the family as a team member.	Document activities	Receiving Agency		
Team reviews available information to determine evaluation(s) needed.	Evaluation Reports			
<b>5. Schedule &amp; hold eligibility determination meeting</b>	*Prior Written Notice (PWN)	Sending and	30-34 months	
IEP team, including parent determines eligibility	Document activities	Receiving Agencies		
<b>6. Schedule family visits exploring program options</b>		Family	32-35 months	
<b>7. Observations of child</b>	Document activities	Receiving Agency	32-35 months	
For evaluation & program planning				
<b>8. Schedule and hold IEP meeting</b>	*PWN for meeting	Sending or Receiving	33-36 months	
IEP team considers IFSP for adoption/modification using the IEP	IEP or IFSP amendment	Receiving & Family		
	*Consent & PWN for placement	Receiving Agency		
	Arrange for transportation	Receiving Agency		

Transition Events	ACTIVITIES	Responsible Party/Agency	Timeline (child's age in months)	Completion Date/ Initials
IEP team determines placement <u>after</u> goals and benchmarks are selected or modified IFSP is adopted.	IFSP and IEP differences	Receiving Agency		
	Extended School Year	Receiving Agency		
9. Records transferred to new program	Document activities	Sending Agency	35-36 months	
10. Evaluate transition process	Parent Satisfaction Survey	Sending and	36-39 months	
		Receiving Agency		
* Denotes procedural safeguard **Note: Families are to be involved appropriately in all activities ***Meeting in #s 3, 5, 8 may be one or separate meetings				

**Effective Dates:** \_\_\_\_\_ to \_\_\_\_\_

District Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Infant Toddler Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Head Start Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

If joint, who will coordinate the screenings: \_\_\_\_\_  
Where: Specify location: \_\_\_\_\_  
How frequently (specific annual schedule): \_\_\_\_\_

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Confidential information will be exchanged between agencies according to HIPAA and FERPA regulations and agency protocols.

Items marked are required before the meeting: \_\_\_\_\_ Initial Referral  
 \_\_\_\_\_ Permission for Initial Evaluation  
 This information will be sent \_\_\_\_\_ Current Assessments  
 week(s) prior to the meeting. \_\_\_\_\_ IFSP  
 \_\_\_\_\_ Authorization to Release Info.  
 Other \_\_\_\_\_

Requested information is sent to: \_\_\_\_\_ Is faxed/e-mailed information accepted? YES NO  
Name: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address \_\_\_\_\_ E-mail \_\_\_\_\_

Agency: \_\_\_\_\_ Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Agency: \_\_\_\_\_ Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Agency: \_\_\_\_\_ Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Preferred Day/Time: \_\_\_\_\_ Meeting place: \_\_\_\_\_

Are these requirements/contacts the same across the district? YES NO  
If no, please list school and the requirements/contact that is different: \_\_\_\_\_

Are these requirements the same for speech only children?	YES	NO
If no, please explain:		

Speech only contact/s person: Phone:

All agencies agree to notify the receiving program \_\_\_ weeks prior to the meeting if accommodations for Spanish speaking families or interpreters are needed.

Other information: \_\_\_\_\_



## ELIGIBILITY EVALUATIONS

How current are evaluations required to be? \_\_\_\_\_

Note: the team should consider the needs of the child, the assessment tools used, and IDEA requirements for eligibility when determining “how current” an assessment must be. If the assessments are not current or sufficient, the team \_\_\_\_\_ will negotiate the following:

Who will test? \_\_\_ Infant/Toddler \_\_\_ District \_\_\_ Head Start

When will tests be completed: \_\_\_\_\_

## IFSP/IEP

Are current IFSPs accepted for fall placement? \_\_\_ YES \_\_\_ NO

*Eligibility for Part B services must be determined prior to a child's 3<sup>rd</sup> birthday.*

*Consent for placement is done in conjunction with either acceptance of the IFSP or the development of the IEP.*

For children turning three (3) March 1 to August 31 and whose family chooses services by the IT Program until the fall, the preferred month for transition meetings is:

June \_\_\_\_\_ July \_\_\_ August \_\_\_\_\_ Meeting place: \_\_\_\_\_

*The IT Program will call by June 1 to schedule a specific date.*

## DISPUTE RESOLUTION

All participating agencies agree to follow the dispute resolution process outlined in the State Early Childhood Interagency Agreement.

### **General Provision**

This protocol will be kept current by all participating agencies. The agreed upon provisions may be modified or changed upon a written amendment signed by all parties. This protocol becomes effective on the date signed by all parties. This protocol must be renewed annually, or more frequently if requested by any of the parties. A copy must be included in the district 6 B applications in the fall.

**Signatures:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Copies of this protocol are to be distributed to:

Administrators

Service Coordinators

Preschool Teachers

Early Intervention Specialists

Developmental Disabilities Children's Program Supervisor

## **Appendix 4D**

# **ACHIEVEMENT STANDARDS AND ASSESSMENTS FOR STUDENTS**

### **Section 1. Standards-Based Educational Reform**

Idaho schools are engaged in different levels of implementing content standards. Some of the implementation activities include adopting policies, aligning curriculum, setting measurable learning objectives, and aligning curriculum and instruction with the proposed statewide assessment program. In anticipation of these activities, the Bureau of Special Education in collaboration with the Idaho Association of Special Education Administrators formed a joint task force to develop guidelines for schools to ensure that students with disabilities are included in all aspects of implementing content standards. The task force comprised representatives from Idaho Parents Unlimited; the Idaho Association of Special Education Administrators; the Idaho State Department of Education (SDE), Bureau of Special Education; special education teachers; and general education teachers. This appendix is the culmination of the group's work.

#### **A. Definitions**

To ensure consistency throughout the implementation process, the task force developed the following definitions:

##### **1. Accommodations**

Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and settings. Accommodations do not invalidate assessment results.

##### **2. Adaptations**

Fundamental changes to curriculum, instruction, and assessments that enable students with disabilities to participate. Adaptations include strategies such as reading the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. Adaptations invalidate assessment results and provide noncomparable results.

##### **3. General Education Curriculum**

The curriculum that is designed for all students, usually consisting of a common core of subjects and curriculum areas adopted by a district that are aligned to the Idaho Achievement Standards or district content standards. The general education curriculum is defined by either the Idaho Achievement Standards or the district content standards if they are as rigorous.

**B. Task Force Recommendations**

Following several months of research, one of the first activities of the task force was to provide written guidance to policy makers in Idaho regarding the implementation of content standards. To better enable students with disabilities to fully participate in the standards-based educational reform endeavors, the task force made the following recommendations:

1. The district should design its content standards, performance standards, curriculum, and assessments to maximize the participation of students with disabilities.
2. High-stakes educational decisions should not be made solely on the basis of a single test score, but on a variety of assessments, including performance-based assessments and other relevant information.
3. Assessments used for high-stakes decisions about individual mastery should be administered only after implementing changes in instruction and curriculum that ensure students have been taught the knowledge and skills on which they will be assessed.
4. Accountability for standards-based educational outcomes should be the shared responsibility of public officials, the SDE, the district, educators, parents, and students.
5. All students with disabilities will participate in the state or district content standards; however, participation for any given student may require accommodations and/or adaptations of the curriculum, instruction, or assessments.
6. Assessment accommodations should be provided, but they should be used only to offset the impact of the disability. They should be justified on a case-by-case basis, but individual decisions should be guided by a uniform set of criteria.
7. The individualized education program (IEP) process will continue to be the formal mechanism for deciding how individual students with disabilities will participate in standards-based reforms.
8. The SDE and the district should provide information through the IEP process to students with disabilities and their parents to enable them to make informed choices about the student's participation in standards-based curriculum, instruction, and assessment, as well as to understand the consequences of adaptations as they relate to graduation and postschool goals.
9. Even when accommodations and/or adaptations are made in standards-based curriculum assessments for a student with a disability, the assessments should still be challenging yet achievable and reflect the full range of knowledge and skills that the student needs to live a full, productive life.
10. A statistical reporting system of key indicators should be developed that will monitor both the intended results (such as higher test scores) and the unintended consequences (such as changes in dropout or special education referral rates) for all students.

11. Even if the individual needs of some students require adaptations of the general education curriculum and/or assessments, these students should be reported in state educational accountability systems.
12. Resources should be made available to districts to support interventions to assist students in meeting Idaho Achievement Standards.

### **C. Alignment with IDEA Provisions**

The Individuals with Disabilities Education Act (IDEA) provides for the following:

1. Students with disabilities will have access to the content and skills in the general education curriculum.
2. Students with disabilities are included in statewide and districtwide assessments, alternate assessments, or both as determined by the IEP team.
3. Students with disabilities are provided accommodations and/or adaptations based on individual needs as determined by the IEP team.

## **Section 2. IEP Team Roles and Responsibilities**

### **A. Overview**

The IDEA requires that the IEP include a statement of how the student will be involved in and progress in the general education curriculum. In Idaho the general education curriculum is the Idaho Achievement Standards or the district content standards if they are as rigorous. IEP team roles and responsibilities have expanded with the implementation of content standards. The IEP team is required to address the general education curriculum and participation in statewide and districtwide assessments in each student's IEP. To accomplish this, IEP teams must have working knowledge of the following: (1) content standards, (2) assessment programs, (3) past student performance on assessments, and (4) accommodations and adaptations that enable a student to meet IEP goals aligned to content standards and to participate in assessments.

The team should follow a process which ensures that a student's educational program aligns to content standards, that a student can participate in assessments, and that parents and students have the information necessary to make informed choices.

### **B. Commonly Asked Questions**

1. What impact does the implementation of statewide content standards and assessments have on IEP team processes?
  - a. Parents, students, and other team members need to have an understanding of the state and district content standards and assessments. The district must provide

- adequate advance notification of assessments that have consequences for student advancement and graduation.
- b. Present levels of performance, goals, and benchmarks/objectives on the IEP must be written to reflect the content standards. (Training is available from the SDE, Bureau of Special Education.)
  - c. Accommodations and/or adaptations to curriculum and instruction need to be carefully considered in relation to the impact on the student's advancement from grade to grade, performance on assessments, and participation in the general education curriculum, which are aligned to content standards. All teachers must follow any adaptation or accommodation described for an individual student during instruction and/or assessment.
  - d. All students, including students with disabilities, must participate in statewide and districtwide assessments. Under the IDEA, the IEP team determines *how* the child participates in statewide and districtwide assessments of student achievement.
  - e. The IEP team has the authority to determine what, if any, accommodations and/or adaptations are needed for a student to participate in an assessment. Parents, students, and other IEP team members must understand how the use of accommodations and/or adaptations will affect such things as advancement from grade to grade and graduation with a regular diploma.
2. What are the new responsibilities of each IEP team member?
- a. **Student:** The student needs to have an understanding of the importance of his or her participation in content standards and assessment. The student should know how assessment results could affect advancement from grade to grade and postschool outcomes, including postsecondary training and education.
  - b. **Parent/Adult student:** The parent/adult student provides his or her observations of the student's educational needs especially concerning accommodations or adaptations needed to enable the student to participate in assessments. Both the parent and the adult student should also have an understanding of statewide and districtwide assessments and district graduation policies and diploma options. They also need to understand how decisions about participation in assessments affect postschool opportunities.
  - c. **District representative:** The district representative must be knowledgeable about the general education curriculum, content standards, and statewide and districtwide assessments. He or she should be able to explain the district's graduation requirements and diploma options. The district representative should also be able to explain how decisions about participation in assessments affect postschool opportunities. The parent and the student must be provided adequate advance notification of assessments that have consequences for student advancement from grade to grade and graduation.

- d. **Special education teacher:** The special education teacher is the team member that should be the most knowledgeable about accommodations and adaptations to meet the needs of the individual student. He or she should have an understanding of statewide and districtwide assessments, curriculum and instructional options, and the consequences of these choices.
- e. **General education teacher:** A general education teacher must participate in the meeting and provide information about the general education curriculum and assessments. If the student has more than one general education teacher, input from each of the student's teachers about the general education curriculum and assessments in his or her area must be obtained and brought to the meeting.
- f. **Others:** Psychologists, speech-language pathologists, occupational therapists, physical therapists, school counselors, paraprofessionals, social workers, service coordinators, vocational rehabilitation counselors, adult service providers, etc., can provide additional assessment information. They need to have an understanding of content standards and assessments and the impact of assessment results on postschool opportunities and transition planning.

Refer to Appendix 4A, Section B for more information on IEP team member roles and responsibilities.

- 3. How does the adoption of Idaho's Achievement Standards affect the way IEP goals and benchmarks/objectives are written?

The IEP team must document the specific content standards that present levels of performance, goals, and benchmarks/objectives will address. The IEP team must initially examine the content standards in relation to the student's need. For example, if the student has a reading need, the IEP team begins by examining the content standards for reading. The grade-level content knowledge and skills designated for each standard can be a good source for identifying appropriate IEP goals. There may be some areas of need not included in content standards that should be covered in IEP goals. (See Section 3 on page A-94 for further explanation.)

- 4. How is the measurement and progress reporting of goals and benchmarks/objectives affected?

IEP goals and benchmarks/objectives are to be aligned to the general education curriculum. Therefore, data collection, progress measurement, and progress reporting would reflect student progress toward content standards.

- 5. How can diploma decisions affect postschool outcomes?

Discussions about the student's desired educational outcomes, such as graduation and diploma options, should take place within the IEP team meeting as early as elementary school in designing educational programs and making decisions about participation in

assessments. Postschool outcomes such as postsecondary education may be affected by student achievement of diploma options not endorsed by the state.

6. How can the district help prepare IEP teams to implement content standards and support students in participating in assessments?
  - a. Include special education staff in development of district content standards.
  - b. Schedule training opportunities for IEP teams using the IEP training module developed by the SDE, Bureau of Special Education.
  - c. Publish and distribute documentation and train staff on district policies regarding content standards, assessments, and completion of the secondary program.

### **Section 3. Curriculum Alignment To Content Standards**

#### **A. Overview**

To afford a student with a disability the opportunity to be involved in and progress in the general education curriculum as required by IDEA, the student's IEP must be aligned with the general education curriculum. Students with disabilities must be provided the opportunity to access the general education curriculum and to improve skills in areas for which the student will be held accountable from grade to grade. Aligning the IEP to the general education curriculum provides equal educational opportunity.

#### **B. Commonly Asked Questions**

1. What is the general education curriculum?

The general education curriculum is the Idaho Achievement Standards or district content standards if they are as rigorous. The curriculum includes the full range of courses, activities, and lessons used by students without disabilities. Curriculum is not textbooks, instructional methodology, or the setting in which instruction is delivered. A district does not have multiple curricula, such as a general education curriculum and a special education curriculum.

2. What are content standards?

Content standards are broad statements of what students are expected to know and be able to do in the specific content areas of math, language arts and communication, social studies, science, humanities, and health. The State of Idaho has adopted content standards that are benchmarked by grade levels or courses. Educators may want to refer to the content knowledge and skills of the Idaho Achievement Standards to help determine appropriate IEP goals.



3. Where can the Idaho Achievement Standards be located?

The Idaho Achievement Standards are listed by subject and grade level on the State Board of Education website at [www.sde.state.id.us/osbe/exstand.htm](http://www.sde.state.id.us/osbe/exstand.htm).

4. Why do students with disabilities have to be involved in standards-based reform?

Standards-based reform is an accountability system that sets high expectations for all students. By referencing content standards in present levels of performance on each student's IEP, the focus of the IEP team is on improving skills in areas for which the student will be held accountable from grade to grade. Including students with disabilities in standards-based reform also provides a means of comparison for students with disabilities with their nondisabled peers. Thus, it holds all students accountable to the same standards, sets high expectations, and provides an equal educational opportunity.

5. What does the IDEA say about the general education curriculum for student with disabilities?

The IDEA states that the general education curriculum refers to the curriculum that is used with students without disabilities. The IEP team must determine annually how each student with a disability will have the opportunity to be involved in and progress in the general education curriculum.

6. Where does an educator address general education curriculum on the IEP?

The present levels of performance on the IEP should reflect the needs of the student in relation to the general education curriculum. The first decision the IEP team considers is whether the general education curriculum is appropriate for the student. For most students, the general education curriculum is appropriate. If the general education curriculum is not appropriate for the student, the IEP should state this and explain why it is not appropriate.

Some students may have some educational needs that result from their disability that cannot be met by involvement in the general education curriculum. The IEP team individually determines a student's need for involvement in the general education curriculum. If an educational need of the student cannot be met through involvement in the general education curriculum, that need should still be addressed in the IEP. When a need of a student is in a functional area where there are no state or district content standards, such as feeding independently, toileting, dressing, etc., the IEP would reference how students that age typically function. For instance, "Second-graders independently feed themselves using knives, forks, and spoons."

7. What standards should the IEP align to?

Standards are referred to by several names, including achievement standards, performance standards, exiting standards, and curriculum standards. IEPs should align to content standards.

8. What if a district hasn't developed content standards?

Any district that has not developed content standards will use the content standards from the adopted Idaho Achievement Standards.

9. How does the IEP team ensure that the IEP is aligned to the content standards?

The IEP team determines which content standards the IEP goals should be aligned to based on input from the general education teachers regarding content standards and on the identified needs of the student. The curriculum would include the full range of courses, activities, and lessons appropriate for the student to progress in the general education curriculum. The methodology may vary, but the curriculum remains constant.

10. How do educators provide evidence that the student is making progress in the general education curriculum?

Progress in the general education curriculum is measured in the same manner as it is measured for all students. Progress measurement should be part of the ongoing assessment of the student and part of the initial evaluation for determining eligibility and needs. Examples of progress measurement include end-of-course testing, achievement testing, formal measurements, informal measurements, and curriculum-based measurements. The IEP would define the evaluation procedures that would be used to measure the benchmarks/objectives for the goal.

11. If a teacher works with preschoolers, what does he or she use for content standards?

The IEP would reference typical age-level developmental milestones or activities of preschoolers without disabilities.

12. How does the IEP team make appropriate general education curriculum decisions for a student with a disability?

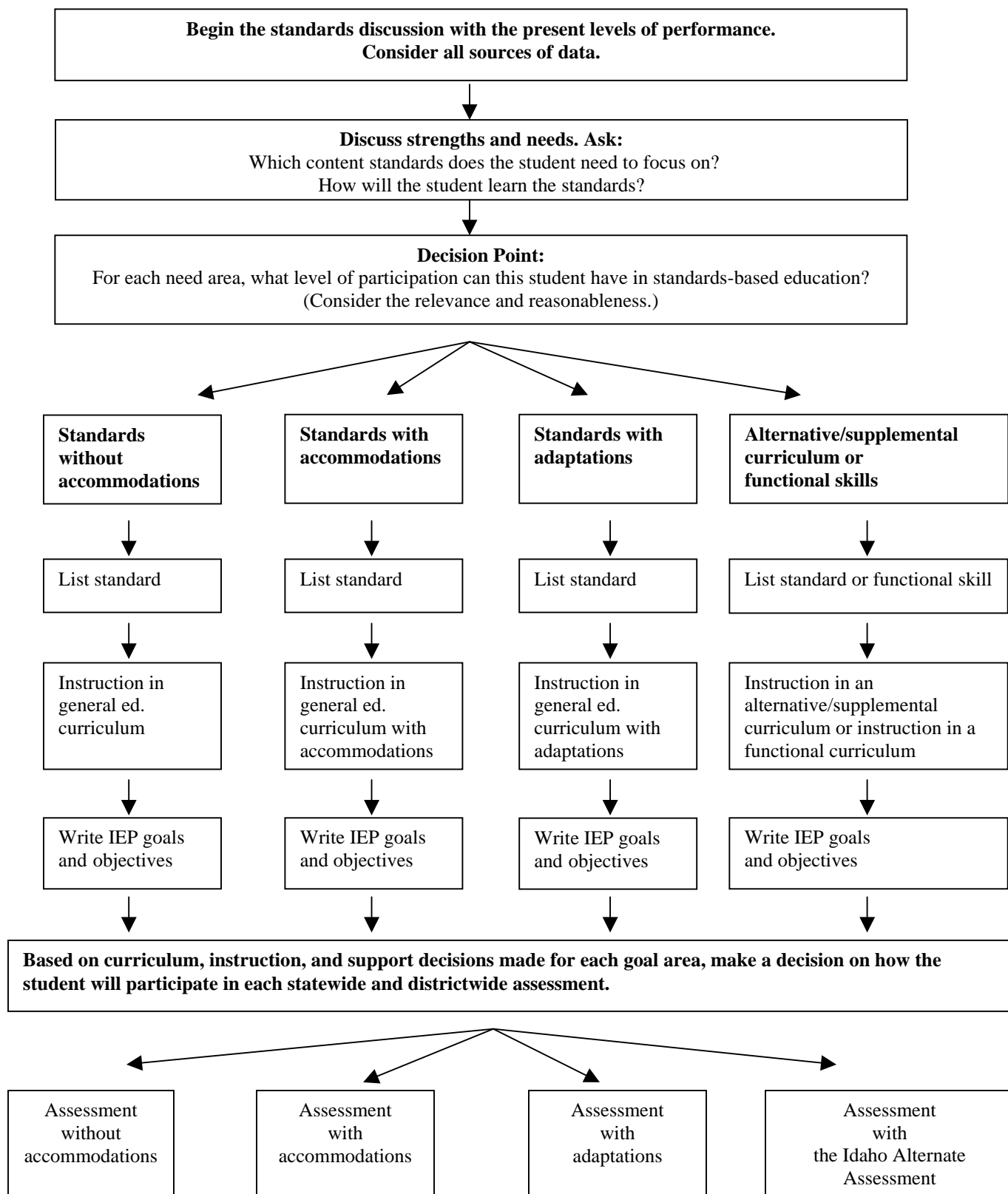
Beginning with the evaluation of a student to determine eligibility, the evaluation team should examine how the student is progressing in the general education curriculum in determining the need for specially designed instruction. Using data gathered from the general education teacher (which may include grades, homework, or end-of-course assessments, statewide and districtwide assessments, classroom observations, and other sources) determine the student's present level of performance in the general education curriculum. Once the student is determined eligible for special education, the IEP team would then look at the general education curriculum and determine the student's strengths and needs and ask the following questions:

- a. Which content standards does the student need to focus on?
- b. How will the student learn the content standards?

Based on the data, the IEP team would then determine the specific content standards, instruction, and supports (IEP goals and benchmarks/objectives) that the student requires to progress in the general education curriculum. The IEP team would determine if accommodations, adaptations, or alternative or supplemental curriculum or instruction would be required to meet the student's needs. Once the accommodations and/or adaptations for the curriculum and instruction have been determined, the IEP team would then determine how the student would participate in statewide and districtwide assessments.

The following flow chart demonstrates the IEP team decision-making process for accessing the general education curriculum for students with disabilities. The chart is adapted from the following source: Nolet, V. & McLaughlin, M.J. (2000). *Accessing the general curriculum: Including students with disabilities in standards-based reform*. Corwin Press: Thousand Oaks, CA.

### Decision-Making Process for Accessing the General Education Curriculum: Content Standards and the IEP



## Section 4. Instruction

### A. Overview

It is important for all teachers, including special education teachers, to understand the content standards and endorse their value in terms of setting high expectations for students. Further, teachers must also be able to (1) clearly demonstrate the link between the content standards and their own classroom practices, (2) describe specific expectations regarding the content standards, and (3) develop strategies for students who struggle to learn in a fast-paced environment where there is little time for re-teaching or catching up.

This section is designed to help teachers determine the focus of instruction and offers a variety of instructional strategies to help meet the needs of diverse learners.

### B. Commonly Asked Questions

1. What does it mean for a student to access the general education curriculum?

A student has access to the general education curriculum when he or she is in a supportive environment that facilitates learning appropriate knowledge and skills from the state or district content standards. This may involve appropriate accommodations and/or adaptations so the student can progress in the general education curriculum. Nevertheless, the environment where instruction occurs may or may not be the general education classroom. While federal law requires that special education students' programs be aligned to the general education curriculum, the intention of the law was never to put a child in an overwhelming "sink or swim" situation far above his or her instructional level.

Access works when special education teachers, general education teachers, and administrators do the following:

- a. Share knowledge of the general education curriculum;
- b. Have opportunities to discuss what are the most important concepts to teach;
- c. Share responsibility for ensuring all students have access to the same high quality curriculum and instruction;
- d. Describe what they expect a student to know or be able to do as a result of instruction in the curriculum;
- e. Set clear expectations followed by valid measurement of performance;
- f. Assess student needs concerning learning processes and create appropriate strategies to meet those needs; and

- g. Brainstorm and collaboratively design instruction with appropriate accommodations and/or adaptations.

2. Who is responsible for educating students in the general education curriculum?

All educators are responsible for facilitating student learning, regardless of the students' varied backgrounds and abilities. General and special educators need to collaborate to create appropriate accommodations and/or adaptations based on individual needs. The IEP team determines who, will do what, in what environment; these decisions are recorded on the IEP.

3. What changes can be made in the general education classroom?

- a. Methodology/instruction – changes in the way the lesson is taught;
- b. Curriculum – accommodations and/or adaptations to the general education curriculum or the use of a functional curriculum;
- c. Environment – the structure or arrangement of the classroom;
- d. Materials – visual, auditory, kinesthetic; and
- e. Flexible options – performances, portfolios, and projects used to demonstrate knowledge or skills and displayed in real-life situations when possible:
  - (1) Performance – any knowledge or skill that can be demonstrated (e.g., the use of manipulatives rather than paper-pencil demonstration, oral presentation, or dance);
  - (2) Portfolios – work samples of a student's drawings, stories, letters, and poems; audio or videotapes collected frequently over a period of time; and
  - (3) Projects – used to assess the ability to reason, to gather and organize facts and ideas, and to produce an integrated work such as written works, photographic essays, musical productions, or technical-type papers that may reflect a long-term or short-term activity.

4. How can educators create changes that will facilitate learning?

- a. Have a basic understanding of the student's disability;
- b. Be clear about lesson objectives. (Does the student know what he or she needs to learn?);
- c. Determine what tasks, skills (e.g., psychomotor, cognitive, affective), and background knowledge are necessary for the student to complete the lesson;

- d. Understand the student's learning style, strengths, and needs;
  - e. Plan instruction to enable the student to use and develop his or her strengths;
  - f. Consider what components of the lesson may need to be changed; and
  - g. Determine if the student will be able to meet the lesson objective. Consider if the objective needs to be changed to allow the student to progress in each content area at his or her instructional level.
5. What does a modified IEP goal look like?

The following is an example of a content standard followed by a general and modified goal:

### **Content Standard**

The student will understand and use customary and metric measurements. (Idaho Math Standards, 253. Concepts and Principles of Measurement.)

### **General Education Curricular Goal**

Estimate and measure length, capacity, and mass using these units: inches, yards, miles, centimeters, meters, kilometers, milliliters, cups, pints, kilograms, and tons.

### **Modified Goal**

Estimate and measure length, area, capacity of familiar objects, and places in the student's home and school environments using inches, cups, and pints.

A listing of all Idaho Achievement Standards may be accessed through the state website at [www.sde.state.id.us/osbe/exstand.htm](http://www.sde.state.id.us/osbe/exstand.htm).

6. What instructional options support student access to the general education curriculum?

There are a variety of models:

- a. **Co-teaching:** The special education teacher and the general education teacher teach cooperatively alongside each other.
- b. **Parallel teaching:** The special education teacher works with a small group of students from a selected student population in a section of the general education classroom.
- c. **Co-teaching consultant:** The special education teacher still operates a pull-out program part of the time, but also co-teaches within the general education classroom several hours a week.

- d. **Special educator teaming:** The special education teacher teams up with one or more general education teachers to form a team, which is responsible for all of the children with special needs at a particular level.
- e. **Consultant regarding methods and resources:** The special education teacher provides specialized methods and resources and works with the general education teachers who have students with special education needs in their classroom.

## Section 5. Assessment

### A. Purpose

Accountability for results is the focus of standards' reform, and students with disabilities are part of the accountability equation. Students with disabilities are not only to be present and to participate in general education classrooms to the maximum extent appropriate, they are also expected to learn what is being taught. The district should keep in mind that students with disabilities will be assessed on the general education curriculum and their scores will be reported to the public on an annual basis. The purpose of assessment accommodations is to allow the student to demonstrate what he or she knows or is able to do without the barrier of the disability. Accommodations are *not* meant to provide an unfair advantage or to make the student inaccurately appear to have attained certain skills or knowledge.

### B. Commonly Asked Questions

1. Should students with disabilities be included in statewide or districtwide assessments?

All students with disabilities are entitled to be included in statewide and districtwide assessments. Each student's IEP must define how the student will participate in the statewide and districtwide assessments. See 20 U.S.C 1412(a)(17); 34 C.F.R. §300.138; *Joint Policy Memo*, 27 IDELR 138; 20 U.S.C. 1414(d); 34 C.F.R. §300.347.

2. Who determines how the student will participate in assessments?

The IEP team determines how the student will participate on each statewide or districtwide assessment. The team's decision will include whether the student will (a) take the regular assessment without accommodations, (b) take the regular assessment with accommodations and/or adaptations, or (c) take the alternate assessment.

3. What if the required assessment seems inappropriate for a student?

If the required assessment seems inappropriate for a student, the IEP team will check to see whether the student meets all three criteria for taking the Idaho Alternate Assessment (IAA). If the student meets all three criteria, he or she can be assessed with the IAA. If the student does not meet all three criteria for the IAA, the IEP team must determine what accommodations and/or adaptations are necessary for the student to participate in the regular assessment.



4. What legal issues have been upheld in court?
  - a. States and school districts have a right to establish educational standards.
  - b. Measuring a student's progress on a state-established standard may lawfully include an examination.
  - c. Equal opportunity is required, not equal result.
  - d. Tests are permitted in the area of a student's disability if the skills, knowledge, aptitude, or achievement in that particular area is the object of measurement. An example is testing a student in reading even though the student's disability affects reading.
  - e. Federal nondiscrimination laws are consistent with the establishment of high standards of learning for all students and with sound educational practices designed to meet high standards.

5. What is the difference between a testing accommodation and a testing adaptation?

Accommodations are changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and settings. Accommodations do not invalidate assessment results.

Adaptations are fundamental changes to curriculum, instruction, and assessments that enable students with disabilities to participate. Adaptations include strategies such as reading the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. Adaptations invalidate assessment results and provide noncomparable results.

6. Who determines what accommodations and/or adaptations are necessary for a student on statewide and districtwide assessments?

The IEP team selects the accommodations and/or adaptations for each statewide and districtwide assessment from only those accommodations and adaptations that the student receives for classroom instruction and assessment on a regular basis.

7. What are reasonable accommodations?

IEP team decisions regarding assessment accommodations and/or adaptations should be consistent with those provided for classroom instruction and classroom testing. Reasonable accommodations are those the student needs to be able to participate and demonstrate his or her knowledge. Accommodations selected cannot fundamentally alter or lower the assessment standards.

8. Where can an IEP team find accommodations that do not invalidate the results of a particular assessment?

Test producers determine accommodations that do not invalidate their test results. These can generally be found in the test producer's test manual.

9. What action should the IEP team take if it recommends or selects an assessment adaptation?

Adaptations invalidate assessment results and provide noncomparable results. The IEP team, including the parent/adult student, must be fully informed of the potential consequences of an adaptation, including consequences for graduation requirements and postschool outcomes. If the IEP team selects an assessment adaptation, the team must specify on the test protocol how the score will be included in the state and district reports.

10. Will the district be held accountable for students who participate in alternate assessments?

Yes. Districts will be accountable to see that every student is included in the assessment system. They will also be held accountable for student growth.

11. What options are available for high school students who do not pass the Idaho Achievement Standards assessments?

In Idaho, districts have the authority to determine graduation requirements and award diplomas. Parents, educators, and students must be made aware that failure to pass the Idaho Achievement Standards assessments may limit students' diploma options as well as postschool options in areas such as education, vocation, and military service.

12. How much advance notice to parents and students regarding high-stakes assessments is recommended, based on case law?

Although the law does not provide a specific number of years, most courts seem to find three to six years appropriate. See *Board of Education of Northrop-East Northport Union Free School District v. Ambach*, 60 N.Y. 2d 758 (1983).

13. What constitutes a fair assessment?

For an assessment to be considered fair, it must align with curriculum, instruction, accommodations, and adaptations. The IEP team will determine for each student how he or she will participate in statewide and districtwide assessments. See *Debra P. v. Turlington*, 644 F.2d 397 (5th Cir. Fla, 1981).

14. What if a student does not pass the assessment or does not earn a regular diploma?

Every district must provide special education and related services to a student with a disability in accordance with the student's IEP and must make a good-faith effort to assist the student in achieving the goals and benchmarks/objectives outlined in the IEP. It is critical that IEPs be aligned to the state or district content standards and assessments to ensure that students with disabilities have access to appropriate instruction prior to assessment. Students with disabilities who do not meet the district requirements for graduation are entitled to special education through the semester in which they turn age 21.

To ensure that students with disabilities have access to instruction, the district should:

- a. provide training for all service providers;
- b. make IEPs accessible to all service providers;
- c. inform all service providers of their responsibilities under the IEP; and
- d. highlight the importance of fully implementing IEPs in good faith.

## **Section 6. Statewide Assessment Accommodations Guidelines**

### **A. Overview**

Including students with disabilities in the statewide accountability process ensures that their needs will be considered in school reform efforts. Sometimes accommodations and/or adaptations are necessary for students to demonstrate their ability without the impediment of their disability. If accommodations and/or adaptations are listed on the student's IEP and are used regularly for classroom instruction and classroom testing, the IEP team may decide that the student needs similar accommodations and/or adaptations during statewide and districtwide assessments.

The purpose of accommodations and adaptations is to allow the student an opportunity to demonstrate his or her true level of achievement with the greatest accuracy, but not to create an unfair advantage. The IEP team determines *how* the student will participate in statewide and districtwide assessments; that is, how accommodations, adaptations, regular assessments, and alternate assessments will be combined, if at all, to meet the student's needs.

### **B. Accommodations**

Accommodations for district and statewide assessments shall be considered allowable, valid, and scorable if they are used during instruction and/or classroom testing and are listed on the student's IEP, 504 accommodation plan, or LEP plan. Several Idaho assessments are now being given in paper-pencil or computer-adapted formats. Accommodations for these formats may

differ. The following lists are state approved accommodations that will not invalidate the assessments. The list is not exhaustive and there may be other accommodations that are appropriate for a particular student. For special approval of other accommodations not listed or for clarification, call or e-mail the testing coordinator at the Idaho State Department of Education.

### **Paper-Pencil Accommodations**

#### **1. Flexible Scheduling**

Flexible scheduling may include:

- altering the time of day the test is administered (e.g., morning, midday, afternoon, after ingestion of medication);
- administering the test in several sessions;
- administering the test over several days; or
- administering the subtests in a different order (e.g., longer subtest first, shorter subtest later, math first, English later).

#### **2. Flexible Setting**

Flexible settings are most commonly used when a student (a) has difficulty focusing attention when in a group setting; (b) disturbs others in a group setting; (c) needs frequent breaks; or (d) needs flexible timing. Flexible settings may include:

- preferential seating in the room;
- use of a study carrel;
- small group administration in a separate setting;
- individual administration in a separate location;
- quiet location with minimal distractions; or
- provision of assistive technology.

#### **3. Flexible Presentation**

Flexible presentation includes changes in how an assessment is given to a student. The main types of presentation accommodations are (a) format alterations; (b) procedure changes; and (c) use of assistive devices. Specific types of flexible presentations include:

- using an interpreter to sign directions or questions;
- using a reader to read directions;
- reading the test to the student (not to be used on sections measuring reading ability);
- rereading the directions;
- answering questions about the directions and the items;
- increasing the spaces between the items;
- reducing the number of items per page or line;

- increasing the size of the answer bubbles;
- highlighting the key words or phrases in directions;
- answering questions about items any time during the test without giving answers;
- explaining the directions to the student any time during the test;
- using one complete sentence per line in reading passages;
- locating the answer bubbles directly along side of the choices in multiple-choice exams;
- using cues on the answer form (e.g., arrows, stop signs);
- writing helpful verbs in the directions on the board or on a separate piece of paper;
- simplifying the language to clarify or explain the directions;
- providing extra examples; or
- prompting the student to stay focused on the test, move ahead, or read entire item.

#### 4. Flexible Responses

The primary reason for providing flexible response accommodations is to meet needs related to physical and sensory disabilities that limit the student's ability to respond. However, processing difficulties that limit the ability to get a response may also be a reason for requesting accommodations; such accommodations may include, for example, using a calculator when the target skill is math problem solving (not calculation) or using a spell checker when the target skill is written composition (excluding mechanics).

The main types of flexible responses are (a) format alterations; (b) procedure changes; and (c) use of assistive devices. Examples of flexible responses include:

- use of a scribe;
- marking in the test booklet rather than on an answer sheet with bubbles;
- increased spaces on answer sheet;
- wider lines or margins;
- responses given by student in sign language;
- student points to response; or
- student uses an English or bilingual dictionary glossary.

#### 5. Timing Accommodations

Timing accommodations are appropriate in the following circumstances:

- a. Some accommodations create fatigue, such as the use of magnification equipment, tape recorders, and earphones. The use of these accommodations may require additional breaks, but not more total working time.
- b. Additional breaks may be needed because of very short attention spans, but not additional total time.

## 6. Assistive Technology (AT)

An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. An AT device can range from something as simple as a pencil grip or paper tracking window to a complex computer system or augmentative communication device.

The use of AT as an accommodation should be determined by the IEP team, listed on the IEP, and used in the regular instructional program.

Test administrators should be aware of possible malfunctions of AT devices during the administration of assessments that could significantly impact and invalidate the assessment results (e.g., dead batteries in a hearing aid or communication device, power outages). Test administrators must also ensure that proper materials are available (e.g., extension cords, tape recorder, special lighting) and that space is adequate for their use.

The following is a list of possible AT accommodations. The list is not exhaustive, and other accommodations may be appropriate for a particular student.

- study carrel;
- adaptive or special furniture;
- magnification or amplification devices;
- audio taped administration (notify SDE in advance for DMA/DWA);
- computer reads directions and/or items;
- noise buffer;
- templates to reduce visible print;
- markers or masks to maintain place;
- dark or raised lines;
- pencil grips or large diameter pencil;
- magnets or tape to secure papers to work area;
- white noise;
- slant board or wedge;
- communication device;
- braille;
- word processor or typewriter (spell checker not allowed if spelling is being tested);
- special lighting;
- special acoustics;
- large print or Braille version; and
- use of a calculator or abacus on math reasoning sections (not to be used on sections measuring math computation skills).

**Adaptations for Paper-Pencil Assessments**

Adaptations invalidate or produce questionable results, even though they may be used regularly in class work or in classroom testing. Adaptations must be clearly listed on the student's IEP, 504 accommodation plan, or LEP plan as determined by the school team. Adaptations should be used with caution in statewide or district wide assessments. The specific administration guide for each assessment may indicate adaptations that would invalidate the scores.

The following is a list of common adaptations. The list is not exhaustive, and there may be other adaptations appropriate for a particular student.

- out-of-level testing when assessing grade level standards (Spring ISAT);
- reading a fluency passage using ASL or native language;
- extra total time;
- use of grammar checker when grammar is being assessed;
- use of spell checker when spelling is being assessed;
- use of a calculator when math calculation is being assessed;
- use of a dictionary, unless used for translation;
- randomly reading individual words and/or explaining the meaning of words in a test item;
- correcting student spelling on a rough draft of a writing assessment;
- rewording or simplifying test items; and
- reading any portion of a reading test to the student that measures reading ability.

**Computer-Adapted Accommodations**

Like the paper-pencil assessments, accommodations required for the student to participate in computer-adapted assessments must address. The accommodations must be written on the IEP, 504 accommodation plan, or (LEP plan) and should be used in classroom instruction and testing.

Students who have not had access to computer based instruction and/or assessment should be given opportunities prior to the statewide assessments to use tutorials or take practice tests.

**1. Flexible Scheduling**

Flexible scheduling may include:

- altering the time of day the test is administered (e.g., morning, midday, afternoon, after ingestion of medication);
- administering the test in several sessions;
- administering the test over several days;
- extending the test time; or
- providing for frequent breaks.

**2. Flexible Setting**

Flexible settings are most commonly used when a student (a) has difficulty focusing attention when in a group setting; (b) disturbs others in a group setting; (c) needs

frequent breaks; or (d) needs flexible timing. Flexible settings may include:

- preferential seating in the room;
- administration in a separate but familiar setting;
- administration in a separate location;
- quiet location with minimal distractions; or
- provision of assistive technology.

### 3. Flexible Presentation

Flexible presentation includes changes in how an assessment is given to a student. The main types of presentation accommodations are (a) format alterations; (b) procedure changes; and (c) use of assistive devices. Specific types of flexible presentations include:

- using an interpreter to sign directions or questions;
- using a reader to read directions;
- reading the test to the student (not to be used on sections measuring reading ability);
- rereading the directions;
- answering questions about the directions and the items;
- highlighting the key words or phrases in directions;
- answering questions about test items any time during the test without giving answers;
- explaining the directions to the student any time during the test;
- writing helpful verbs in the directions on the board or on a separate piece of paper;
- providing assistive technology;
- prompting the student to stay focused on the test, move ahead, or read entire item.

### 4. Flexible Responses

The primary reason for providing flexible response accommodations is to meet needs related to physical and sensory disabilities that limit the student's ability to respond. However, processing difficulties that limit the ability to get a response may also be a reason for requesting accommodations. Such accommodations may include, for example, using a calculator when the target skill is math problem solving (not calculation) or using a spell checker when the target skill is written composition (excluding mechanics).

The main types of flexible responses are (a) format alterations; (b) procedure changes; and (c) use of assistive devices. Examples of flexible responses include:

- student dictates responses to a scribe;
- student signs responses to a scribe; and



- student points to response.

## 5. Assistive Technology (AT)

An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. An AT device can range from something as simple as a pencil grip or paper tracking window to a complex computer system or augmentative communication device.

The use of AT as an accommodation should be determined by the IEP team, listed on the IEP, and used in the regular instructional program.

Test administrators should be aware of possible malfunctions of AT devices during the administration of assessments that could significantly impact and invalidate the assessment results (e.g., dead batteries in a hearing aid or communication device, power outages). Test administrators must also ensure that proper materials are available (e.g., extension cords, tape recorder, special lighting) and that space is adequate for their use.

The following is a list of possible AT accommodations. The list is not exhaustive, and other accommodations may be appropriate for a particular student.

- adaptive or special furniture;
- magnification or amplification devices;
- audio taped administration;
- computer reads directions and/or items;
- noise buffer;
- templates to reduce visible print;
- markers or masks to maintain place;
- magnets or tape to secure papers to work area;
- head wand;
- white noise;
- slant board or wedge;
- communication device;
- special lighting;
- special acoustics;
- use of a calculator or abacus on math reasoning sections (not to be used on sections measuring math computation skills).

### **Adaptations for Computer-Adapted Assessment**

Adaptations invalidate or produce questionable results, even though they may be used regularly in class work or in classroom testing. Adaptations must be clearly listed on the student's IEP, 504 accommodation plan, or LEP plan as determined by the school team. Adaptations should be used with caution in statewide or district wide assessments.

The following is a list of common adaptations. The list is not exhaustive, and there may be other adaptations appropriate for a particular student.

- out-of-level testing when assessing grade level standards (Spring ISAT);
- reading a fluency passage using ASL or native language;
- use of grammar checker when grammar is being assessed;
- use of spell checker when spelling is being assessed;
- use of a calculator when math calculation is being assessed;
- use of a dictionary, unless used for translation;
- randomly reading individual words and/or explaining the meaning of words in a test item;
- correcting student spelling on a rough draft of a writing assessment;
- rewording or simplifying test items; and
- reading any portion of a reading test to the student.

### C. Parental Request for Exclusion

If a parent chooses not to have his or her child included in a particular assessment, the parent must follow the same procedure designed for all students in the state. The parent must write a letter to the building principal that includes (1) the name of the student, (2) the name of the test, (3) the year the request covers, and (4) the reason (optional) for the request. The district must submit a copy of the letter to the state testing coordinator.

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## **Appendix 4E**

### **EXTENDED SCHOOL YEAR**

Extended school year (ESY) services must be considered annually for all students who have an individualized educational program (IEP). The district must provide ESY services to students with disabilities who qualify for such services. Extended school year programs for eligible students must meet the requirements of a free appropriate public education (FAPE).

#### **A. Definition**

“Extended school year services” means special education and related services provided beyond the regular school year that are:

1. provided to a student with a disability;
2. beyond the normal school year of the district;
3. in accordance with the student’s IEP; and
4. at no cost to the parent/adult student.

The goal of ESY is to assist students with disabilities with the emergence, maintenance, or generalization of specific IEP goals and benchmarks/objectives learned the year preceding the ESY. These may include goals and benchmarks/objectives related to independence, behavior, socialization, communication, and academics. ESY services for special education students provide a different focus from general summer school programs.

The legal foundation for ESY services comes from case law relating to FAPE. Some students with disabilities cannot receive an appropriate education if they do not receive some type of ESY program.

#### **B. Determination of the Need for ESY**

ESY services can be based on one or more of three general areas using the following guidelines. When the answer is yes to all questions within one area, there is a strong indication that ESY services are warranted.

1. Emerging Skill

ESY must be considered when few, if any, gains are made during the general school year and a skill is in the process of emerging. In addition, the IEP team believes that with ESY services the student could make reasonable gains. The IEP team should collect documentation to determining the following:

- a. Does progress toward goals and benchmarks/objectives over an extended period show few if any gains?
- b. Is a skill emerging?
- c. Does documentation support that ESY services are needed to avoid irreparable loss of the learning opportunity?

## 2. Regression-Recoupment

ESY services must be considered when the student would regress to such an extent and the amount of time required to relearn a skill or behavior would become so significant that the student would be unable to benefit from his or her special education program. The IEP team should collect documentation to determine the following:

- a. Do progress reports and data show that the student demonstrates periodic regression that is related to breaks in instruction throughout the school year?
- b. Do progress reports and data show that the student regresses and cannot relearn the skills in a reasonable amount of time following the breaks?
- c. Does documentation support a finding that without ESY services the student would regress to such an extent and have such limited recoupment ability that he or she would be unable to benefit from his or her special education program?

## 3. Self-Sufficiency

ESY services must be considered when the acquisition of critical life skills that aid in the student's ability to function as independently as possible would be threatened by an interruption in services. In addition, the IEP team believes that continued services would reduce the student's reliance on caretakers or institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance students' integration with nondisabled individuals. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.

In considering which goals are critical life skills, the IEP team must consider the following: (1) How old is the student? (2) How many years does the student have left in school? (3) Is the skill required across a number of current environments? (4) Is the skill required across a number of future environments? (5) If the student does not perform the skill, will someone else have to do it for him or her?

The IEP team should collect and document information to determine the following:

- a. Does documentation identify critical life skills that are needed for independence?

- b. Will failure to maintain acquired critical life skills cause major or permanent loss of the skills and create a dependence on caregivers?
- c. Without ESY services, would the student fail to maintain these critical life skills?

### **C. ESY IEP Development**

ESY services must be clearly delineated in an IEP. The district can meet this requirement by amending the current IEP using an amendment form or developing a complete ESY IEP. Both require an IEP team meeting. A copy of the IEP or amendment and written notice must be given to the parent and adult student.

### **D. Basic ESY Concepts**

1. To be considered for ESY services, the student must be identified as having a disability and must currently be receiving special education services as defined by an IEP or individual family service plan (IFSP).
2. Determination of the need for ESY services must be made only for the immediate period of interruption of the instructional program. The provision of ESY services for the immediate period does not imply that ESY services will be required for subsequent periods.
3. The skills that are the focus of the ESY services are determined at the time of the development of the IEP. They must be appropriate for the student, must consider the student's ability to acquire the skill, and must be a priority for the student's developmental age.
4. The student's educational program is based on individual needs and not determined by what programs are readily available within the district.
5. The student cannot be required to fail, or to go for an entire year without ESY services, simply to prove a need.
6. The IEP team will determine the duration, frequency, and type of services that each student will receive during the ESY. The goals and benchmarks/objectives should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified to enhance the emergence, maintenance, and/or generalization of skills.
7. The district will not automatically or categorically exclude or include any student or group from consideration for ESY services. However, only those who will be severely impacted by an extended break in instruction should be enrolled.
8. ESY services may include special education and related services. ESY services may be only related services.

9. ESY is not subject to the same LRE considerations that apply during the regular school year. First, the same LRE options may not be available, and second, for some students, the appropriate LRE may be at home with the other family members and with only very limited ESY services.
10. ESY will be provided when ordered by a due process hearing officer. If the district chooses to appeal, the student will be placed in ESY pending the result of the appeal.

### **E. When ESY Is Not Appropriate**

ESY services were never intended to serve as the only resource available to parents and students. The district is encouraged to assist families in using community resources to meet their particular needs during periods of extended breaks. The district should not offer ESY services when it is inappropriate to do so. The following list is intended to help clarify decisions on ESY services.

1. The IDEA does not mandate that year-round services be provided for all students with disabilities.
2. ESY services are not required for the convenience of the school or parent/adult student and, therefore, cannot serve as a day-care or respite-care service.
3. The IDEA does not require that ESY services be provided to maximize educational opportunities for a student with a disability.
4. It is not necessary to continue instruction in all of the previous year's IEP goals and benchmarks/objectives during the ESY period. The focus should be on those specific goals and objectives that would be severely impacted by an extended break in instruction.
5. ESY programs are not summer recreation programs.
6. ESY services are not to be considered in order to help students with disabilities advance in relation to their peers.
7. ESY services are not designed for students who exhibit random regression or regression that is solely related to medical problems resulting in degeneration, or who are experiencing transitional life situations such as divorce or death of a family member.

### **F. Data Sources for ESY Decisions**

Decisions for ESY services must be based on data collection and written documentation. Types of data may include, but are not limited to, the following.

1. **Criterion-referenced test data:** Consider daily/weekly probes or pretest/post-test data.
2. **Norm-referenced test data:** Consider pretest/post-test data.

3. **Anecdotal records:** Consider information collected throughout the school year.
4. **Physical, mental, emotional, or health factors:** Consider the educational, medical, or psychological records of the student as well as the prognosis or judgments of educators, medical personnel, parents, and others that work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.
5. **Past history:** The IEP team should consider evidence of past regression, or past ESY services. It should not automatically be assumed that a student who has received ESY services in the past will be eligible in the future, but it is a factor to consider.
6. **Data-based observations:** Consider empirical data maintained on the student from performance in the classroom or community-based activities as well as the IEP data.
7. **Teacher interviews and recommendations:** Consider progress reports by teachers, therapists, and others having direct contact with the student before and after breaks in educational programming.
8. **Parent/adult student input:** Consider parent observations of the student as well as parent/adult student requests for ESY services.

### G. ESY Program Models

The IEP team will determine the duration, frequency, and type of services that each student will receive during the ESY program. The goals and benchmarks/objectives should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified to facilitate the emergence, maintenance, and/or generalization of skills.

ESY services may not necessarily be provided in a classroom setting. For example, some students may need services provided in the home or at an alternative location.

Types of ESY programs may include, but are not limited to:

1. training for the parent before breaks in programming;
2. home-based programs that may include parent training;
3. school-based programs;
4. cooperative programs with other agencies;
5. contracting with another agency; and
6. related services.

**H. ESY in Year-Round Schools**

The need for ESY services is less critical when schools operate on a year-round basis because the breaks from instruction are shorter than the normal three-month break. When the student's needs require instruction during breaks, ESY must be provided. The analysis for determining eligibility and the type of ESY program to be provided is the same as that for ESY programs in schools that operate on a traditional calendar.

**I. Staff Considerations**

Staffing options might include local certificated staff, supervised university practicum students, supervised student teachers, trained paraprofessionals, cooperative multidistrict programs, or contracted/purchased services with agencies.

**J. In Case of a Dispute**

It is important for the district to make decisions regarding the provision of ESY services for a student early enough in the school year to allow a parent/adult student time to request a due process hearing if he or she disagrees with the decision of the IEP team. If the parent/adult student disagrees with the decision of the team not to provide ESY services, and the district has not allowed sufficient time for the parent/adult student to dispute the decision through due process, the student should be provided with ESY services pending the outcome of the due process hearing.

The parent/adult student should be given a reasonable amount of time after being notified to respond to a district's decision to not provide ESY services to the student. If a timely response is not received, then the district is not required to provide the student with ESY services pending the outcome of a due process hearing. All time restrictions should be reasonable and should be clearly explained or otherwise made known to the parent/adult student.



## **Appendix 4F**

### **TRANSPORTATION OF STUDENTS WITH DISABILITIES**

As part of a free appropriate public education (FAPE), students must be able to access their education. In some cases special transportation services are needed for students with disabilities to access special education; in these cases, the district has a responsibility to provide transportation services at no cost to the parent. As with other related services, transportation must only be provided to assist a student with a disability to benefit from special education. The least restrictive environment (LRE) requirement applies to all elements of the student's educational program, including transportation.

#### **Section 1. District Responsibility**

The district must provide transportation to a student with a disability when the student requires transportation in order to benefit from his or her special education. If transportation is provided as a related service, the district must keep in mind the following:

1. The district may not shorten the school day for students with disabilities merely to accommodate bus schedules. Students with disabilities must be provided a comparable length of school day and week as students without disabilities, unless there is a specific reason (usually medical) for a shorter or longer school day.
2. The district is expected to transport a student whose academic schedule extends beyond typical school hours.
3. Transportation to and from extracurricular activities must be provided only when participation in the activity is required for the student to benefit from his or her special education.

The IEP team makes the decision regarding transportation services for each student based on individual needs.

#### **Section 2. IEP Team Decision**

It is assumed that most students with disabilities will receive the same transportation provided to students without disabilities, unless the IEP team determines otherwise. The student's individual needs are the main consideration in making a transportation recommendation. Decisions regarding transportation services must also take into account the LRE.

The IEP team must consider how the student's disability affects the student's need for transportation, including the determination of whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. Transportation services

must be considered in all cases where a student with a disability is unable to get to and from school independently for any of a variety of reasons including, but not limited to, the following :

1. a physical disability;
2. a cognitive disability;
3. a health condition;
4. a behavioral/emotional disability that is so severe or erratic that there is concern for the safety of the student and/or others;
5. a communication disability that prevents the student from communicating for safety;
6. a visual and/or hearing disability; or
7. a child's age (e.g., a two-year-old child who needs transportation services to participate in early childhood special education).

### **Section 3. Transportation Representative as IEP Team Member**

A transportation representative may be included on the IEP team. If the representative cannot attend, his or her input can be obtained through alternate means. The representative could help the IEP team members understand the transportation environment including such considerations as:

1. the type and configuration of the vehicle the student would likely be assigned to ride;
2. the probable length of the ride, including pick-up and drop-off times;
3. the conditions with respect to temperature on the bus in cold weather while the door or wheel-chair lift door are open during loading and unloading procedures;
4. the type of device or occupant securement system to be used;
5. whether the vehicle is equipped with an emergency communication system;
6. the degree of training and skills of the driver and bus attendant if appropriate; and
7. whether a bus attendant would be assigned without specific recommendation from the team.

The transportation representative would also gather information from the team about the expected transportation needs so as to properly plan for a timely, efficient, and safe initiation of the transportation service. If not a part of the IEP team, information regarding the related service

of transportation must be communicated to the transportation representative so that the student's services can be arranged.

### **Section 4. Determining Special Transportation Needs**

If the student has medical, physical, or behavioral issues, the following questions may need to be addressed by the IEP team.

1. Can the student be safely transported, without undue risk to the student or others, given the transportation environment including the length of the ride?
2. Does the student have medical, physical, or behavioral concerns that would expose him or her to unreasonable risk given the anticipated transportation environment?
3. Can assistive or adaptive equipment identified as necessary to accommodate the student during the transportation process (such as a mobile seating device, gurney, ventilator, or oxygen equipment) be safely secured and transported, and are there adequate instructions regarding its use?
4. Does the student have a health care plan that specifies (a) the type and frequency of care required or expected, (b) the skill level of the person expected to give the care, (c) whether general observation of the student by the driver would be adequate, or (d) whether a staff person independent of the driver is needed to address the student's needs?
5. Does the student have a behavioral intervention plan outlining positive behavior strategies and supports to address behavior when needed? Does that plan include strategies and supports for the transportation environment? Is the driver aware of the plan and trained to handle possible situations? Is another adult needed on the bus?

### **Section 5. Managing Behavior on the Bus**

When the IEP team determines that special transportation is required and documents it on the IEP as a related service, all procedural safeguards under the IDEA must be afforded to the student in matters concerning transportation. When a student misbehaves on the bus, the district may use the same disciplinary methods used to address misconduct within the school. These measures may include reprimands, suspensions, or removals. Whenever discipline is imposed, the district must follow the applicable rules for disciplining students with disabilities as outlined in Chapter 7, Section 13, page 144. If a student is a danger to self or others, the student's transportation services may be altered. Proper training of bus drivers and paraprofessionals can help prevent misconduct.

Whether a suspension from the bus counts as a suspension from school depends on the following:

1. If bus transportation is on the IEP, a suspension from the bus would be treated as a suspension from school, unless the district provides transportation service in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered.
2. If bus transportation is not on the IEP, a suspension from the bus would not be counted as suspension from school. In these cases, the student and the parent would have the same obligations to get to and from school as a student without a disability who had been suspended from the bus.

If the student's behavior on the bus results in a suspension from the bus, the IEP team must determine whether the behavior on the bus is similar to behavior in the classroom that is addressed in an IEP. If the behavior is not similar, the IEP team should consider developing a behavioral intervention plan for the bus behavior.

## Section 6. Resources

The SDE Pupil Transportation Manual is available from the Bureau of Finance and Transportation at the State Department of Education. Section E of that manual focuses on "Special Transportation" and provides further guidance for transporting students with special needs. Call Pupil Transportation at the SDE at 208/332-6851 to obtain a copy if your district Transportation Department copy is not available.

The SDE website at [www.sde.state.id.us/finance/transport/](http://www.sde.state.id.us/finance/transport/) offers many materials and links related to transportation.

A variety of documents are also available from the Bureau of Finance and Transportation, Pupil Transportation Services at the State Department of Education. Copies of the following documents may be obtained by calling the Pupil Transportation Section of the SDE at 208/332-6851.

1. *A Clear Understanding of the Law—Transporting Students with Disabilities*. By Linda F. Bluth, Ed.D. 21 pages.

This handout addresses the multiple responsibilities of school districts to provide the transportation services required by law. It gives definitions of the different laws involved and a review of relevant case law.

2. *Transporting Students with Disabilities—Rules, Regs and Their Application*. By Linda F. Bluth and Susan N. Hochberg. 5 pages.

This is a handout that explains the legal basis for requiring transportation, the Fourteenth Amendment, several pertinent public laws, training challenges, the definitions of transportation, and court decisions. It also includes a list of references.

3. *Transportation as an IEP “Related Service”—A Handbook for Transportation Administrators and Direct Service Staff*. By Peter J. Grandolfo, Chairman NAPT Special Needs Transportation Committee. 100 pages.

This manual covers legislation, definitions and concepts, equipment, medical conditions, personnel training, discipline procedures, bus safety, emergency procedures, bus evacuations, transporting infants and toddlers, inclusion, policy statements, and guidelines for wheelchairs. It also has a section on universal precautions.

4. *Considerations for the Safe Transportation of Medically Fragile Children*. By Peter J. Grandolfo, Chicago Public Schools. 25 pages.

This paper covers laws, development of an IEP, training staff and parents, least restrictive environment, confidentiality, management of chronic infectious diseases, medical and nursing requirements, care of medication, first aid training, definition of medical conditions, seizure disorders, lifting devices, loading/unloading, and evacuations.

5. *Properly Documented Training Programs for Drivers and Aides*. By Kellie P. Dean, President Dean Transportation. 36 pages.

This paper focuses on the need for transportation personnel to develop and implement appropriate documentation systems for training programs for drivers and aides providing specialized student transportation.

6. *Bus Attendant Training and Resource Manual*. By Jim Ellis, Pupil Transportation Safety Institute. 23 pages.

This manual takes an in-depth look at the responsibilities of school bus attendants in respect to issues of discipline, safety, and transporting students with disabilities.

7. *American Academy of Pediatrics—School Bus Transportation of Children with Special Needs*. 14 pages.

This handout contains information on approved car seats, assistive devices, and a sample confidential information form.

8. *Transporting Students with Behavior Disorders, Communication Disorders and Learning Disabilities*. By Alexandra H. Robinson, M.Ed. 6 pages.

This paper covers definitions and management tips for the transporter.

9. *Questions and Answers on Disciplining Students with Disabilities*. By Judith E. Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services, United States Department of Education. 19 pages.

This paper deals with questions and answers on disciplining students with disabilities.

10. *Questions and Answers on the Least Restrictive Environment Requirements of the Individuals with Disabilities Education Act*. By Judith E. Heumann, United State Department of Education. 10 pages.

This paper covers the most often asked questions dealing with the least restrictive environment.

11. *Transporting Infants, Toddlers, and Preschool Children with Disabilities*. By Dr. Linda F. Bluth, Ed.D. 4 pages.

This paper covers the laws, procedures, and acronyms related to the transportation of students younger than age six.

The following publication is not available from the State Department of Education; however, the publication can be obtained from the publisher:

1. *The Road to Compliance: Legally Transporting Students with Disabilities*. (1998).

Available from LRP Publications, 747 Dresher Road, P.O. Box 980, Horsham, PA 19044-0980. Phone: 215/784-0920 or 800/341-7874. Fax: 215/784-9639.

## Appendix 5

### Appendix Contents

There is no appendix for Chapter 5.

**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.





## Appendix 6

### Appendix Contents

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



## Appendix 6

# NONDISCRIMINATORY DIPLOMAS, TRANSCRIPTS, AND GRADING POLICIES

### Section 1. Diplomas and Transcripts

#### A. Wording on Diplomas

The district will use a regular diploma for special education students at the completion of their secondary school program. A modified or differentiated diploma or certificate may not be used for special education students unless the same diploma or certificate is granted to students without disabilities in the same graduating class.

Any variation in wording on the diploma may be permissible provided it is not based upon disability. When using different wording, it must reflect objective criteria and be available to all students on a nondiscriminatory basis. If the district wishes, diplomas for *all* students may state that each student's academic transcript contains the exact courses or subjects completed.

To graduate, students with disabilities must complete (1) regular graduation requirements, (2) comparable graduation requirements or (3) criteria established in his or her IEP that specifically address completion of the student's secondary program. Students with disabilities will be afforded the same opportunity to participate in graduation ceremonies, senior class trips, etc., as students without disabilities.

#### B. Wording on Transcripts

Course designations on transcripts that indicate a course is used only in special education programs involving students with disabilities is a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504). The following guidelines apply:

1. Accommodations need to be provided which allow each student to complete and demonstrate that he or she has met graduation requirements. Accommodations will not be noted on transcripts.
2. A district may use asterisks or other symbols on a transcript to designate a modified curriculum in general education, provided the grades and courses of all students with curriculum modifications are treated in a like manner. For example, if the modification code system covers enhanced or greater difficulty course work completed by gifted and talented program students as well as students taking remedial courses, then the use of such an indicator is allowable under Section 504 and the Americans with Disabilities Act (ADA).

3. A district may not identify a student as having a disability or identify special education classes on a high school student's transcript to indicate the student has received modifications in the general education classroom. Course designations that do not suggest special education programs but, rather, impart more general connotations—such as “basic,” “level 1,” “practical,” or “general”—may be used as long as they are applicable to remedial courses taken by students without disabilities for a variety of reasons. Other designations—such as “independent study (I.S.)” or “modified curriculum”—may be used if they are also used in courses other than special education. Examples of transcript labels to avoid are “Learning Center (L.C.),” “homebound instruction (H.B.),” “resource class,” etc. If the course designation suggests it is only used in special education programs involving students with disabilities, it may be a violation of Section 504.
4. Academic transcripts must not be released to prospective employers or postsecondary educational institutions without the permission of the student. If a transcript contains notations or codes indicating modifications in course work difficulty, the district will take steps to notify each student of what modification notations his or her academic transcript contains before releasing it to another party.
5. A district can disclose the fact that a student has participated in special education courses to a postsecondary institution if:
  - a. the parent/adult student has knowledge of what information is on the transcript; and
  - b. the parent/adult student has given written consent.

## **Section 2. Grades, Class Ranking, and Honor Roll**

A district is permitted to set eligibility criteria for class ranking or honors, provided it does not arbitrarily discount or exclude grades of students with disabilities who receive special education services.

### **A. Nondiscriminatory Class Ranking, and Honor Roll Policies**

Section 504 requires that with respect to grades, class ranking, and honor rolls, students with disabilities must be treated the same as all other students.

1. Grades earned by students with disabilities cannot categorically be disregarded or excluded from districtwide grade point average (GPA) standings. Eligibility for honor awards cannot be decided on the basis of special education status alone.

2. Weighted grading systems are permissible where the district can show that such a system is based on objective rating criteria. A district may not implement a weighted grading system that arbitrarily assigns lower grade weights to only special education courses. For example, an “A” earned in advanced algebra may be worth 5 points compared to an “A” in basic arithmetic being worth 3 points. If such a system is used, the district will have the responsibility to justify the various weights assigned, if challenged. Each subject or course must be analyzed separately and assigned a degree of difficulty based on its individual contents.
3. Designating core courses that are used to determine honors, class ranking, or participation in certain activities is also allowed where all students receive the opportunity to take such courses. Designating core courses is allowed as long as the courses are available to all students, not just students with disabilities.

## **B. Modified Grades**

In cases where a student with a disability receives special education adaptations in the general education classroom, it may be permissible for the district to use a modified grading system if it is also used for the general student population.

1. Grades cannot be modified on the basis of special education status alone.
2. Nondiscriminatory titles may be used for classes, report cards, and transcripts to designate adaptations made in general education classes (e.g., basic sophomore English and practical 9th grade mathematics may be used instead of sophomore English and 9th grade mathematics).
3. The student’s IEP should address any grading modifications, particularly with respect to courses completed in a general education setting.
4. A student taking a class for no credit as part of the IEP may be graded solely on criteria outlined in the student’s IEP.
5. Collaborative grading efforts between general and special educators are encouraged and entirely appropriate when students are completing course work in the general education setting. The grading procedure should be included in the IEP.
6. At the elementary level, report cards may show asterisked grades that refer to one or more types of special services received by the student, such as resource room, self-contained room, classes under Title I of the Elementary and Secondary Education Act (ESEA), enrichment classes, adaptive physical education, speech therapy, etc.

### C. Contracting for Grades

The IEP team may use grading contracts with a student with a disability to make necessary modifications in course expectations. Sample grading contracts are included at the end of this appendix on pages A-133 and A-134.

1. When using contracts the following components should be specified:
  - a. work/performance the student is to do;
  - b. performance standards for each grade the student can earn;
  - c. how the work will be evaluated;
  - d. timelines for the completion of the work; and
  - e. signature of the student, parent, and teacher(s).
2. There are some advantages in contracting for a grade:
  - a. Contracts help the student see a direct relationship between his or her work and his or her grade. The student knows exactly what it takes to earn a given grade.
  - b. Contracts help the student assume responsibility for his or her own performance. Some students blame others for their own failures. This is harder to do with a contract.
  - c. A diversity of tasks and assignments can be included.
  - d. Contracts reduce competitiveness in grading by individualizing expectations.
  - e. Contracts acknowledge the ability of the student to participate in goal setting.
3. There are also some disadvantages in contracting for a grade:
  - a. Contracts add additional record keeping.
  - b. Quantity rather than quality of work may be overemphasized.
  - c. Finding creative ways to measure student performance can be challenging.
  - d. Students may protract negotiations about performance and measurement.

See sample grading contracts on the next two pages.

## Grading Contract (Sample A)

In order to earn a grade of \_\_\_\_\_, I, \_\_\_\_\_  
agree to perform the following work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My work will be finished by [date(s)] \_\_\_\_\_. To earn this grade, my  
work will be evaluated by the following standards: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If I fail to fulfill this contract, the consequences are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

My responsibilities as \_\_\_\_\_'s teacher will be to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Teacher Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_





**Grading Contract (Sample B)**

Student: \_\_\_\_\_ Teacher: \_\_\_\_\_

Class: \_\_\_\_\_ Period: \_\_\_\_\_ Year: \_\_\_\_\_

Reason for Modification Plan: \_\_\_\_\_  
\_\_\_\_\_

To be successful in the above class, the student will do the following:

1. Follow the attendance rules and requirements of the school.
2. Follow all classroom rules.
3. Complete and hand in all assigned work by the agreed upon date for each assignment.
4. Put forth the necessary best effort.
5. Communicate with the teacher if there is a question regarding the assignment, or if the student is experiencing difficulty completing the task.

Specific modifications in this class that the student, parent, and instructor have agreed upon are:

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---

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If the course work has been modified to meet the student's needs, this will/will not (circle one) be noted on the student's transcripts.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Teacher Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Copies given to: Building Counselor  
Cumulative Folder  
Resource or ESL Teacher

Student  
Parent

## Appendix 7

### Appendix Contents

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



## **Appendix 7A**

### **TRANSFER OF SPECIAL EDUCATION RIGHTS**

At the age of 18, individuals with or without disabilities are legally responsible for making decisions for themselves. However, if a person lacks the ability to provide informed consent, a parent or other interested person may want to explore options to assist that individual with making decisions. Educators, who work with young adults with disabilities, and parents of individuals with disabilities, must understand the issues regarding special education rights, guardianship, conservatorship, and power of attorney. This appendix has been prepared to provide an overview of those issues.

#### **Section 1. Age of Majority**

An adult student is a student with a disability, 18 years of age or older, to whom rights have transferred under the Individuals with Disabilities Education Act (IDEA) and Idaho Code. Special education rights will transfer from the parent to the adult student unless the IEP team determines that the student is unable to provide informed consent with respect to his or her educational program or the parent has obtained legal guardianship including the scope of educational matters. When rights have transferred to the adult student, the parent retains the right to notice along with the student. Therefore, whenever notice is required to be given to the adult student, the parent also receives a copy of the notice.

At least one year before the student turns age 18, the IEP team needs to discuss whether special education rights will transfer to the student on his or her 18th birthday. The student and parent are essential IEP members to be present at this meeting. After reviewing all relevant information related to the student's ability to understand and make informed decisions regarding educational matters, the team determines if there is any reason to prohibit the transfer of rights. If there is no compelling reason to prevent the transfer rights, the student must be informed of special education rights that will transfer at age 18. The student's IEP will contain a statement that the student has been so informed.

#### **Section 2. Self-Advocacy and Self-Determination**

The transfer of rights to a student at age 18 means that the secondary student will need support in understanding all of the special education rights and their implications. Research has shown that to achieve their goals and dreams, successful secondary students make the decision early on to confront their disabilities, learn to be decision-makers, and lead their own lives. Therefore, it is appropriate for educators to take measures in teaching secondary students to actively participate in and even direct their own IEPs by using problem solving, self-determination, and self-advocacy skills to help them become aware of their needs and abilities. There are various curricula and resources available that can be integrated into lesson plans and IEP transition goals so secondary students who reach age 18 know what they want and how to get it. Refer to Appendix 4B on page A-69 for a list of resources.

Before the IEP meeting to discuss the transfer of rights, all evaluation data, test results, education records, teacher observations, student input, and parent input, including whether the parent intends to seek guardianship when the student turns 18 years old, should be reviewed by the IEP team. All of this information is used to decide if there is any reason why rights should not transfer.

Consideration should be given to the information or evidence that helps the IEP team answer the following questions:

1. Is the student capable of understanding his or her rights?
2. Is the student capable of exercising his or her rights?
3. Is the student capable of understanding the consequences of his or her decisions?

If the IEP team can answer yes to the questions stated above, then educators and parents should begin to look at how to assist the student in using the rights afforded to him or her at age 18. The IEP team can develop or revise an IEP to include activities and services that may assist the student. Even though the rights will transfer when the student actually turns age 18, the parent will still be a person very knowledgeable about the student; therefore, he or she can act as a member of the IEP team, invited by the student, the district, or both.

If the IEP team determines that the student lacks the ability to provide informed consent with respect to his or her educational program, the parent retains all special education rights. However, there is nothing in federal or state law that prohibits the IEP team from changing its decision at a later point in time. Of course, a new decision would be based on new information and input.

### **Section 3. Emancipated Minors**

Idaho law does not provide for the emancipation of minors. However, minors who have been emancipated by a court of law in another state are considered an adult in Idaho. Emancipated minors should be able to provide the legal court document awarding them the power and capacity of an adult. A student under age 18 who claims to be an emancipated minor but is unable to provide documentation should be assigned a surrogate parent by the district if a parent cannot be located.

Students under the age of 18 who are married to an adult, 18 years or older, are not emancipated minors in Idaho and do not have the power and capacity of an adult student. Instead, the spouse actually acts as the guardian of the student regarding legal rights and responsibilities.

## **Section 4. Guardianship**

### **A. Definition**

Guardianship is a court-ordered relationship between a competent adult (the guardian) and an adult with a disability. It is a means by which the law deals with the problems associated with an individual's inability to make decisions and give consent, i.e., how to have someone act (consent) for others who are unable to act for themselves. Both individuals and public and private agencies may serve as guardians.

A parent of a child under the age of 18 is the natural guardian of his or her child, and a court appointment is not necessary to create or validate the status of the parent. However, a parent does not automatically remain the guardian of a son or daughter with a disability when the son or daughter turns 18 years old. Only a court order can appoint the parent as guardian of his or her son or daughter who is 18 years of age or older. Educators who are working with students who will be turning 18 years of age should assist families in contacting the appropriate agency for assistance.

### **B. Scope of Guardianship**

The scope of a person's guardianship, whether it be complete or limited, should be tied to the extent of the person's competence. Thus, there are two types of guardianship:

1. Complete (or plenary) Guardianship

Plenary means full, complete, and unlimited. A plenary guardianship is one that gives the guardian full, complete, and unlimited authority to consent on the individual's behalf.

2. Limited (or partial) Guardianship

A limited guardianship (sometimes called partial guardianship) recognizes that the individual has partial competence in at least some areas of decision-making and therefore is able to give direct consent for some kinds of decisions.

The court order will specify the nature and scope of the guardianship.

### **C. Authority of Guardian**

After a court appointment, the guardian becomes a substitute decision maker for the person with the disability. In addition, the court gives the guardian the authority to exercise specific rights on behalf of the person with the disability and takes those rights away from the person with the disability.



The powers of the guardian may include the following:

1. authority to determine the individual's residence, care, habilitation, education, and employment;
2. responsibility to assure that the individual's basic needs for food, clothing, and shelter are met;
3. authority to consent to medical care needed by the individual; or
4. responsibility to keep the individual's financial affairs in order.

Neither the Idaho Department of Education (SDE) nor the district has the responsibility or the authority to appoint a guardian for a student with a disability. If the parent or a relative wants to become the guardian of an individual with a disability, the district should direct him or her to contact legal counsel.

### **Section 5. Conservators**

A conservator is a person appointed by a court to manage or make decisions about the property of a protected person. Appointment of a conservator may be made if the court determines the following:

1. The person is unable to manage his or her property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance.
2. The person has property that will be wasted or dissipated, unless proper management is provided, or funds are needed for the support, care, and welfare of the person or those entitled to be supported by him or her, and that protection is necessary or desirable to obtain or provide funds.

### **Section 6. Power of Attorney**

The provision of designating a power of attorney can be used for circumstances involving students with or without disabilities at any age. A power of attorney is the designation by a competent person of another to act in place of or on behalf of the first person. A power of attorney differs from a guardian or conservator in several ways. First, a power of attorney is a *voluntary* designation by a person of sound mind; whereas the appointment of guardians and conservators is an *involuntary* process requiring a judicial recognition. Second, the person granting the power of attorney is free to define the scope of authority of the designated person; however, power of attorney is usually given for limited and narrowly defined purposes. For

example, a parent who is out of state for an extended period may designate power of attorney to a personal care provider in the areas of medical emergencies or educational decisions for his or her child. Idaho's living will law allows designating a person with power of attorney to make medical care decisions in the event of mental disability.

Normally, the authority of a designated power of attorney ceases on the disability or incapacity of the principal, which in most situations is the parent. A durable power of attorney, however, remains effective even after the disability or incapacity of the principal. To be a durable power of attorney, the written document designating the power of attorney must clearly state the intent of the principal that the authority conferred is exercisable notwithstanding the principal's subsequent disability or incapacity.



## Appendix 7B

# SPECIAL EDUCATION RIGHTS STATEMENT

The Individuals with Disabilities Education Act (IDEA) entitles all eligible students with disabilities to a free appropriate public education (FAPE). As a parent of a student with a disability, or an adult student with a disability if rights have transferred to you, IDEA and state law provide you with specific procedural safeguards or rights. This *Special Education Rights Statement* gives you an explanation of the following rights:

Section	Title
A.	Consent
B.	Written Notice
C.	Evaluation/Reevaluation Procedures
D.	Independent Educational Evaluation
E.	Individualized Education Program/Least Restrictive Environment
F.	Resolving Disagreements About the Education Program
G.	Mediation
H.	Formal Written Complaint
I.	Due Process Hearing
J.	General Provisions for Discipline under the IDEA
K.	Procedures for Disciplinary Placement in an Interim Alternative Educational Setting
L.	Expedited Due Process Hearing
M.	Attorneys' Fees
N.	Requirements for Unilateral Placement in a Private School/Facility at Public Expense
O.	Education Records
P.	Using Public and Private Insurance Funds to Provide FAPE

Your school district can provide more information on these rights. If you have questions, you should speak to the special education teacher, school principal, director of special education, or superintendent in the district. Additional sources of information on your rights can be found at the end of this rights statement.

### Abbreviations

CAP	corrective action plan
ECR	early complaint resolution
FAPE	free appropriate public education
FERPA	Family Educational Rights and Privacy Act
IAE	interim alternative educational setting
IDEA	Individuals with Disabilities Education Act
IEE	independent educational evaluation
IEP	individualized education program
IFSP	individual family service plan
LRE	least restrictive environment
SDE	Idaho State Department of Education

## **A. Consent**

Consent, indicated by your signature, means that you have been fully informed, understand, and agree to certain educational activities before they take place. The request for consent will describe the activity and list records, if any, that will be released and to whom. Your consent is voluntary and may be revoked at any time prior to the action.

You have the right to:

1. Provide written consent before assessments take place when the district evaluates or reevaluates.
2. Provide written consent before special education services are provided for the first time.
3. Provide written consent before personally identifiable information is disclosed to unauthorized persons. Refer to Section O, Education Records, for a list of exceptions to this right.
4. Provide written consent before private insurance is accessed by the district.
5. Provide written consent to use an individual family service plan (IFSP) instead of an individualized education program (IEP) when a child is transitioning from Part C services to Part B services.
6. Refuse or withhold consent.
7. Revoke consent if the action has not already taken place.

If you refuse to give written consent for an initial assessment or for special education services for the first time, the district may ask for mediation or a due process hearing. If you fail to respond to reasonable measures by the district to obtain your consent for assessments during a reevaluation, personnel may proceed with the assessments.

## **B. Written Notice**

You have the right to:

1. Receive written notice a reasonable time before the district initiates or changes the identification, evaluation, educational placement, or the provision of FAPE. If you ask the district to initiate or change any of these matters, the district must consider your request and give you written notice within a reasonable amount of time informing you that the district will grant or refuse your request. Reasonable time has generally been defined as 10 calendar days. The notice will include:
  - a. A description of the action proposed or refused.
  - b. An explanation of why the district proposes or refuses to take the action.
  - c. A description of other options the district considered and the reasons why those options were rejected.
  - d. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action.
  - e. A description of any other factors, which are relevant to the district's proposal or refusal.
  - f. A statement informing you of your rights under the IDEA and how to obtain a copy of this *Special Education Rights Statement*.
  - g. Sources for you to contact to obtain assistance in understanding your rights.
2. Receive the notice in writing most people can understand. If you cannot read, the notice can be read to you. If you do not understand English, the notice may be translated for you. The district must have written evidence that these requirements were met.

3. File a written objection if you disagree with an IEP change or placement change proposed by the district. If your written objection is postmarked or hand delivered within 10 calendar days of receiving the district's written notice of a proposed change, the proposed change that you object to cannot be implemented. However, the district may request another IEP team meeting, voluntary mediation, or a due process hearing to resolve the disagreement. The written objection cannot be used to prevent the district from placing a student in an interim alternative educational setting (IAES) in accordance with IDEA procedures for discipline of a student with a disability.

### **C. Evaluation/Reevaluation Procedures**

A full and individual evaluation of educational needs must be conducted before a student can be found eligible for, and receive, special education. A referral to consider a special education evaluation can be made by anyone, including you.

After the referral is made, an evaluation team, which includes you, will be formed. This team will review existing evaluation data on the student and input from you to decide whether an evaluation is needed. The team will also decide what additional information, if any, is needed to conduct the evaluation.

In conducting an evaluation, the district will gather information related to the student's involvement and progress in the general education curriculum through observations, interviews, tests, a review of records, and information provided by you. All of this information will be used by the evaluation team to determine whether the student is eligible for special education and then by the IEP team to develop the IEP.

Once a student is eligible for special education, a reevaluation must be completed every 3 years, or sooner if you or the student's teacher have concerns and request one. Before any reevaluation, the evaluation team will review existing information and determine if additional information is needed to decide if the student is still eligible. If no additional assessments are required, you will be provided written notice of that decision. However, you have the right to request any assessment to determine whether the student is still eligible. A reevaluation must be conducted before determining that a student is no longer eligible, except when a student receives a diploma for completing regular graduation requirements or completes the semester in which he or she turns 21 years old.

As a member of the evaluation team, you have the right to:

1. Review existing evaluation data and give input for the evaluation.
2. Participate in deciding what additional data is needed or request assessments to determine eligibility.
3. Participate in determining eligibility for special education services.
4. Participate in meetings with respect to identification and evaluation, if convened by the district.
5. Request a meeting.
6. Receive a copy of the eligibility report and any additional eligibility documentation.

### **D. Independent Educational Evaluation**

If you disagree with an evaluation conducted by the district, you have the right to an independent educational evaluation (IEE) by a qualified examiner(s) who does not work for the district. The IEE might be provided to you at no cost, but first the district must have had the opportunity to complete an evaluation. If you believe additional assessments or procedures are needed beyond those conducted by the district to determine eligibility, you are not automatically entitled to them. You should ask the district for further assessments, and if the district refuses, you may request mediation or a due process hearing.

If you request an IEE, the district may ask why you disagree with the district's evaluation but you do not have to provide an explanation. The district must either provide you with information about where an IEE may be obtained or initiate a due process hearing without unnecessary delay to show that its evaluation is appropriate. If a hearing decision is that the district's evaluation is appropriate, you still have the right to an IEE, but at your own expense. Whenever you request or obtain an IEE, the district must also give you the criteria it uses when an evaluation is conducted. This includes:

1. location for the evaluation;
2. required qualifications of the examiner;
3. state eligibility criteria for special education; and
4. maximum allowable charges for specified evaluations to eliminate unreasonably excessive fees, including travel costs for necessary services not available in the community.

If you can demonstrate that unique circumstances justify an IEE that falls outside the district's cost criteria, then it will be publicly funded. A hearing officer may order that an IEE be conducted as part of a hearing. In that case, the IEE must be publicly funded.

If you obtain an IEE that meets the district's IEE criteria and make the evaluation available, the district must consider the results in any decision made about providing FAPE. You may also present the results of an IEE at a due process hearing. This is true regardless of whether the IEE was at your expense or public expense.

### **E. Individualized Education Program/Least Restrictive Environment**

The individualized education program (IEP) is the written educational plan for special education and related services to be provided by the district. You and the district design the IEP together. It is reviewed and revised at least once each year.

The IEP becomes the basis for determining placement in the least restrictive environment (LRE). LRE provisions require that the student be enrolled in the school he or she would attend if nondisabled unless the IEP requires another arrangement. If the student cannot be educated in the neighborhood school, the LRE placement should be as close to the student's home as possible. The district's reassignment of a student to another classroom or school is not a change in LRE placement when the IEP goals remain unchanged and the degree of interaction with nondisabled peers remains the same. Removal from the general educational environment occurs only when the disability is such that education with the use of supplementary aids and services cannot be achieved satisfactorily. A student may not be removed from education in age-appropriate classrooms solely because of needed modifications in the general education curriculum. To the maximum extent appropriate, students with disabilities should be educated with students of similar chronological age who are nondisabled.

You have the right to:

1. Participate as a member of the IEP team to develop the IEP and determine the LRE placement either in person or by other means.
2. Be informed of the time, date, location, who is invited, and the purpose of IEP team meetings.
3. Receive a copy of the *Special Education Rights Statement* before IEP meetings.
4. Bring someone (advocate, friend, service coordinator) to the meeting if you wish.
5. Receive a copy of the IEP.
6. Have an array of LRE placements available to meet the student's needs.

## **F. Resolving Disagreements About the Educational Program**

At times, you and the district may disagree with the identification, evaluation, placement, or the provision of FAPE. You are encouraged to contact the district and use various methods to resolve any differences as soon as they arise. You also have the right to file a written objection if the district proposes an IEP change or placement change that you disagree with. (See Section B of this statement.) If you are unable to resolve disputes with the district, you may contact the district or call the SDE, 208/332-6910, about four state-administered options. These options include mediation, a formal complaint, a due process hearing, and an expedited due process hearing. Each of these options is explained in the following sections.

## **G. Mediation**

Mediation is a structured yet informal process for resolving conflict. It is voluntary and is provided at no cost to you or the district. An SDE mediator is an impartial person, not employed by the district, who is trained in communication and mediation skills. He or she will meet with you and the district to try to reach a mutual written agreement. If you have already requested a due process hearing or filed a complaint, you may also request mediation. Mediation does not interfere with the rights or the timelines for a complaint or hearing. To request mediation, contact your district or the Dispute Resolution Coordinator at the State Department of Education, 208/332-6912.

## **H. Formal Written Complaint**

If you believe the district has violated a requirement of the IDEA, you may file a formal complaint with the SDE. The complaint must be in writing and signed. A complaint filed by electronic mail will not be accepted. It must include the current date and the name, address, and telephone number of the student and the person making the complaint. It must include one or more allegations (statements) that the district has violated IDEA requirements and the facts to support the allegation(s). The alleged violations may not be older than one year from the date the complaint is filed unless the violation is considered to be ongoing or you are requesting compensatory services for a violation that occurred not more than 3 years ago.

The SDE's resolution of a formal complaint may be achieved through any combination of the following:

1. meeting with the parties and facilitating a mutually agreed to Early Complaint Resolution (ECR);
2. reviewing and approving a Corrective Action Plan (CAP) proposed by the district that addresses one or more allegations in the complaint;
3. conducting an investigation of the complaint; and
4. verifying information from the district that documents that one or more allegations have been resolved.

A written decision will be issued within 60 days and will include the findings of fact, conclusions, and procedures for implementation of the SDE's final decision, if needed. The SDE will set aside any part of a complaint that is being addressed by a due process hearing until the conclusion of the hearing. Mail complaints to the Dispute Resolution Coordinator, Idaho State Department of Education, Bureau of Special Education, P.O. Box 83720, Boise, ID 83720-0027.



## **I. Due Process Hearing**

There are two different types of due process hearings.

- A regular due process hearing may be requested by you or the district on any matter relating to identification, evaluation, educational placement, or the provision of FAPE. A decision will be made within 45 calendar days, unless otherwise extended.
- An expedited due process hearing is used only for behavior and disciplinary issues. (See Section L of this statement.)

Due process hearing requests must be in writing and include the student's name, address, school, a description of the nature of the problem, relevant facts, and a proposed answer to the problem. A due process hearing request filed by electronic mail will not be accepted. A model form for requesting a hearing can be obtained from the district or the SDE. The SDE will provide reasonable accommodations to individuals who need assistance in filing a written request. The request may be sent to your district's superintendent, director of special education, or the Dispute Resolution Coordinator, State Department of Education, Bureau of Special Education, P.O. Box 83720, Boise, ID 83720-0027.

You have the right to:

1. Have the hearing conducted by a trained impartial hearing officer who is not employed by any agency involved in the education or care of the student.
2. Receive all evaluations completed by the district and the recommendations based on such evaluations at least 5 days before the hearing. Similarly, you are required to provide evaluations that you will use in the hearing to the district.
3. Be informed of any free or low-cost legal services and other relevant services, e.g., names of expert witnesses.
4. Have the hearing at a time and place that allows you to attend. During the hearing, you have the right to:
  - a. Attend with, and be advised by, legal counsel and by persons with special knowledge or training about students with disabilities.
  - b. Present evidence and confront, cross-examine, and compel the attendance of witnesses.
  - c. Prohibit the introduction of any evidence at the hearing that was not disclosed to you at least 5 days before the hearing.
  - d. Obtain a written transcript of the hearing or an electronic verbatim record.
  - e. Open the hearing to the public if you wish.
  - f. Have the student present during the hearing, if appropriate.
5. Receive a written decision with findings of fact and conclusions of law, or an electronic version, no later than 45 calendar days after your hearing request was received. The hearing officer may extend this timeline if requested.
6. Maintain the student's current educational placement while the due process hearing is proceeding unless you agree in writing to other arrangements. If the complaint involves a student seeking initial admission to school, the school-age student must be placed in a school until the proceedings are over.

7. Appeal the hearing officer's decision by initiating a civil action in district court. An appeal to civil court must be filed within 42 calendar days from the date of issuance of the hearing officer's decision.
8. If you are successful in a hearing and file a request in district court, you may be awarded reasonable attorneys' fees. (See Section M of this statement for more information.)

## **J. General Provisions for Discipline under IDEA**

The district may use disciplinary removals for students with disabilities, but only to the extent they would be applied to students without disabilities. School personnel may:

1. Suspend a student for not more than 10 consecutive school days. Special education services may cease during this time.
2. Order additional short-term suspensions if they do not constitute a change of placement. A series of suspensions becomes a change of placement when it exceeds 10 cumulative school days in a school year and if a pattern is established by their proximity to one another and the total amount of time. Special education services must be provided after removal for 10 cumulative school days in the same school year.
3. Order a student's removal to an interim alternative educational setting (IAES) for not more than 45 calendar days if the student (1) possesses or carries a weapon to school or a school function, (2) knowingly possesses or uses illicit drugs, or (3) sells or solicits the sale of a controlled substance while at school or a school function. Special education services must be provided.
4. Request an expedited hearing to place a student in an IAES for up to 45 calendar days if the district can demonstrate that maintaining the student in the current placement is substantially likely to result in injury to the student or others. Special education services must be provided.
5. Seek to obtain a court order to remove a student from the current placement. Special education services must be provided during this time.
6. Expel the student for behavior that is not a manifestation of the disability. Special education services must be provided after 10 cumulative school days of removal in a school year.

## **K. Procedures for Disciplinary Placement in an Interim Alternative Educational Setting**

If school personnel order a disciplinary removal to an IAES, you have the right to:

1. Be notified of the disciplinary action to be taken and to receive a *Special Education Rights Statement* no later than the date on which the decision to take disciplinary action is made.
2. Participate in the selection of the IAES that meets the following criteria:
  - a. enables the student to continue to participate in the general education curriculum, although in another setting;

- b. allows the student to continue to receive services and modifications included in the current IEP in order to meet the goals; and
  - c. includes services designed to prevent the behavior from recurring.
- 3. Participate in an IEP team meeting either before or within 10 business days following the disciplinary placement change. The purpose of the meeting is to consider the problem behavior and to:
  - a. review and modify the behavioral intervention plan as needed to address the problem behavior; or
  - b. develop an assessment plan to address the problem behavior if the district has not previously conducted a functional behavioral assessment and implemented a behavioral intervention plan. Upon completing the assessments, the IEP team will meet to develop and implement appropriate behavioral interventions.
- 4. No later than 10 school days after the date the district decides to order an IAES, participate in a meeting to review the relationship between the disability and the behavior; this review is called a manifestation determination. The meeting can be held at the same time the IEP team considers a functional behavioral assessment and/or behavioral intervention plan. The student cannot be expelled for behavior that is related to his or her disability.
- 5. Request an expedited due process hearing if it is determined that the behavior was not related to the disability and you disagree with that decision or any decision regarding a change in placement, including placement in an IAES. (See Section L of this statement.)

## **L. Expedited Due Process Hearing**

An expedited due process hearing involves disciplinary issues, and shortened timelines apply. You have the right to request an expedited hearing if you disagree with a determination that the behavior was not a manifestation of the disability or the district's discipline decision resulting in a change of placement.

In an expedited hearing, the due process hearing procedures described in Section I of this statement will be used except for the following changes:

- 1. The hearing officer's written decision must be available within 20 calendar days of the request for a hearing unless an extension, not to exceed 25 calendar days, is agreed to by both parties.
- 2. The student must remain in the IAES until the hearing officer makes a decision or the IAES time limit runs out unless you and the district agree to another placement during the pendency of the hearing or the appeal.

If the IAES timeline runs out during the hearing, the setting prior to the IAES becomes the placement. However, if school personnel maintain that returning the student to that placement would be dangerous, they may request an expedited hearing to ask a hearing officer to continue the IAES or seek a court injunction. This expedited hearing procedure may be repeated, as necessary.

## **M. Attorneys' Fees**

- 1. If you have participated in a due process hearing or civil court action against the district, you may be able to recover reasonable attorneys' fees and related costs if:
  - a. The hearing officer or court determines that you are the prevailing party.

- b. A district court orders the district to pay fees and costs according to prevailing rates in your community for the kind and quality of legal services you received.
- 2. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed after the time of a written offer of settlement to you by the district if:
  - a. The district's offer is made at least 10 days before a due process hearing or civil proceeding begins.
  - b. You do not accept the offer within 10 days after it is made.
  - c. A court or due process officer finds that the relief you finally obtained from the hearing officer or court action was not more favorable to you than the offer of settlement.
  - d. An award of attorneys' fees and related costs may be made to you as a prevailing party if you were justified in rejecting the settlement offer.
- 3. Attorneys' fees may not be awarded:
  - a. for legal representation at an IEP meeting unless such a meeting is convened as a result of a due process hearing or judicial action; or
  - b. for a mediation that is conducted before a request for a due process hearing.
- 4. A court may reduce an award for attorneys' fees if:
  - a. During the course of the action or proceeding, you unreasonably extended the final resolution of the controversy.
  - b. The amount of the request unreasonably exceeds the prevailing rate in the community for similar services by attorneys of reasonably comparable skills, reputation, and experience.
  - c. The time spent and legal services rendered were excessive considering the nature of the action.
  - d. The attorney representing you did not provide all of the information required in a due process hearing request.
  - e. The amount of attorneys' fees will not be reduced if the court finds that the district or SDE unreasonably extended the final resolution of the action or proceeding.

## **N Requirements for Unilateral Placement in a Private School/Facility at Public Expense**

- 1. If the district has made FAPE available in a timely manner and you unilaterally (on your own and without the district's consent) place the student in a private school, the district is not required to pay for tuition, special education, or related services at the private school. However, the district must meet with representatives of private schools to determine how a proportion of the district's federal funds will be spent on providing some type of special education services to private school students with disabilities residing in its jurisdiction.
- 2. A court or hearing officer may order the district to reimburse you for the costs of a unilateral placement in a private school only if the student previously received special education services from the district and the court or hearing officer determines that the district did not make FAPE available in a timely manner. However, the cost of reimbursement may be denied or reduced if:
  - a. Prior to removal from public school, you did not cooperate with the district if it notified you of the intent to conduct an evaluation of the student.
  - b. There is a judicial finding of unreasonableness with respect to your actions.

- c. Before removal from public school, you did not notify the district that you rejected its proposed placement to provide FAPE and did not state your concerns and intent to enroll the student in a private school at district expense by either:
    - (1) notifying the IEP team at the most recent IEP team meeting before removal from public school; or
    - (2) notifying the district in writing at least 10 business days (including any holidays that occur on a business day) before removal from public school.
3. A court or hearing officer will not deny or reduce reimbursement for failure to provide the notice specified in 2c above if:
- a. The district did not notify you of your obligation to provide the notice specified in 2c above.
  - b. The district prevented you from providing such notice.
  - c. You cannot write in English or you have a disability that prevents you from providing a written statement.
  - d. The court or hearing officer determines that the placement proposed by the district would result in physical or serious emotional harm to the student.

## **O. Education Records**

The IDEA and the Family Educational Rights and Privacy Act (FERPA) contain provisions that protect the confidentiality of student records. These laws also provide for your right to review and inspect records. The district will assume you have the right to inspect and review the student's education records unless the district has received legal documents limiting access to those records. A minor child's address can be deleted from any record, if requested in writing by the custodial parent, to prohibit a noncustodial parent from learning a home address simply by having access to school records. If you are a parent in this situation, be prepared to verify custody of your child.

You have the right to:

- 1. Request a list of the kinds of education records the school collects, maintains, or uses, and where those records are kept.
- 2. Inspect and review the student's education records. If you cannot do so at the school, you may ask the district to give you a copy of the records. The district may charge for the copies unless the charge would keep you from looking at the records. The district may not charge a fee to search for or to collect the records. The district must honor your request:
  - a. without delay but no later than 45 calendar days after the request;
  - b. before any meeting regarding an IEP; and
  - c. at least 5 business days before a due process hearing.
- 3. Have someone explain or interpret the records for you.
- 4. Give or refuse written consent to allow other people access to the education records. The request for consent must say what specific information has been requested, the purpose of the request, and who will access the records. However, consent is not required to release records when:
  - a. School employees have a legitimate educational interest in the records.
  - b. A representative of the Federal Comptroller General, the U. S. Department of Education, or the SDE accesses records for evaluation of a federal program or for enforcement or compliance with federal regulations.
  - c. A student transfers from one school with the intent to enroll in another school.

- d. There is an emergency to protect the health and safety of the student or other individuals.
  - e. A disclosure concerns the juvenile justice systems' ability to effectively serve the student or to comply with court orders or subpoenas, as specified in state law. The district must make a reasonable effort to notify you of the order or subpoena in advance of compliance unless the subpoena specifically states that the request is not to be disclosed.
  - f. Organizations conduct studies on behalf of school districts or institutions specified under FERPA criteria.
  - g. When the district has designated information as "directory information" through its annual notification.
5. Review a district log of requests for and access to education records if the disclosure is not to the parent, adult student, a school employee with a legitimate interest, or a party seeking directory information. This log includes the name, agency affiliation, date, and purpose for accessing the records.
  6. Look only at information about the student in question if the record contains information about another student.
  7. Ask the district to amend information in the record if you believe that it is incorrect, misleading, or violates privacy or other rights. If the district refuses to amend the record, you may request a district hearing. If the decision is against the district, the district must amend the record and inform you in writing. If the decision is for the district and the record is not amended, you may place a statement in the record saying why you disagree with the district's record. This statement will be maintained as part of the education record and will be released any time the record is released.
  8. Be notified before the district destroys education records that are more than 5 years old and no longer needed to provide educational services. The notice must describe the information that will be destroyed after 45 days and include the procedure to formally object to the destruction of any information and have the records sent to you.

A permanent record of a student's name, address, phone number, grades, classes, immunization, test scores, attendance, grade level and year completed may be maintained by the district without a time limitation.

## **P. Using Public and Private Insurance Funds to Provide FAPE**

The district may use Medicaid funds to pay for special education and related services. However, the district may not require you to sign up or enroll in Medicaid in order for the student to receive FAPE. If the district bills Medicaid for services, you must be notified of the frequency, amount, and type of services that the district will be submitting for reimbursement. If the district uses Medicaid, it must not result in:

1. Your family incurring out-of-pocket expense;
2. Your family paying for services required for your child outside of school that would otherwise be paid for by Medicaid;
3. A decrease in available lifetime coverage or any other insured benefit for your child;
4. An increase in premiums or lead to discontinued insurance coverage; or
5. The risk of loss of eligibility for home and community-based waivers.

The district may access your private insurance to bill for services only if you provide informed consent. Each time the district proposes to access your private insurance, the district must obtain your written consent and must inform you that a refusal to access your private insurance will not relieve the district of its responsibility to ensure that all

required services are provided at no cost to you. If you consent to use private insurance, the district may use Part B funds to pay the cost of the deductible or co-pay amounts to avoid a financial cost to you.

**For further explanation on any of these rights you may also contact**

State Department of Education	Idaho Parents Unlimited, Inc. (IPUL)	Comprehensive Advocacy, Inc. (Co-Ad)
Bureau of Special Education	4696 Overland Road, Suite 478	4477 Emerald St. Suite B-100
P.O. Box 83720	Boise, Idaho 83705	Boise, Idaho 83706
Boise, Idaho 83720-0027	800/242-4785	V/TT: 208/336-5353
208/332-6910	V/TT: 208/342-5884	V/TT: 800/632-5125
800/432-4601		
TT: 800/377-3529		

## **Appendix 7C**

### **GUIDELINES FOR THE MANAGEMENT OF STUDENT RECORDS**

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of families by insuring the confidentiality of information in education records that schools maintain about students. Three concepts—notification, disclosure, and informed consent—are fundamental to FERPA regulations.

Confidentiality provisions in the Individuals with Disabilities Education Act (IDEA) incorporate FERPA provisions. However, the IDEA provisions go beyond FERPA. Therefore, this appendix has been prepared to assist districts in meeting confidentiality regulations from both FERPA and the IDEA.

## **Section 1. Managing Student Records**

### **A. Definitions and Abbreviations**

1. **Disclosure:** Permitting access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means, including oral, written, or electronic.
2. **Education records:** Any recorded information including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, and microfiche that is:
  - a. directly related to a student; and
  - b. maintained by a district, an institution, or by a party acting for the district or institution.
3. **Adult student:** Under the IDEA, an adult student is a student who is eligible for special education, is 18 years of age or older, and to whom special education rights have transferred.
4. **FERPA:** The Family Educational Rights and Privacy Act.
5. **GEPA:** The General Education Provisions Act.
6. **Informed consent:** In general, a parent/adult student has the right to give or decline to approve a district's request to release records to another party. A parent's/adult student's agreement must be based on an explanation of how, what information will be released, and how the information will be used.



7. **Notification:** A district's responsibility to inform the parent/adult student of the legal basis for compiling data and the circumstances under which records can be released or disclosed.
5. **Parent:** A parent of the student, including a natural or an adoptive parent, a legal guardian, or an individual acting as a parent in the absence of a parent. The term does not include state agency personnel if the student is a ward of the state.

## **B. Annual Notice to Parents/Adult Students about Confidentiality**

Each district must annually notify parents of students currently in attendance, or adult students currently in attendance, of their rights under FERPA. This annual notification includes parents of students with and without disabilities. The notification may be provided by any means that is likely to inform parents/adult students of the privacy protections under FERPA. A model notification of rights is included in this appendix on page A-165.

### ***Commonly Asked Questions:***

1. What should be included in the annual notification?

The notice must inform parents/adult students that they have the right to:

- a. inspect and review the student's education records;
- b. seek amendment of the student's education records if they believe them to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- c. consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
- d. file a complaint alleging failures by the district to comply with the confidentiality requirements of FERPA and IDEA.

The notice must also include the procedures for exercising the right to inspect and review education records and for requesting amendment of the records. If the district has a policy of disclosing education records to school officials with a legitimate educational interest, the notice needs to state the criteria for determining who constitutes a school official and define a legitimate educational interest.

2. How does a district provide this annual notification to parents/adult students?

A district may provide this notice by any means that is reasonably likely to inform the parents/adult students of their rights. A few common ways districts have provided this annual notification include school handbooks for parents and students or newspaper publications. The notification requirement also means that parents/adult students who

have a disability or who speak a primary language other than English will need to be effectively informed of the information provided in the annual notification. Methods for notifying these individuals may include providing alternative formats of a student handbook such as audiotape, Braille, computer diskette, large print, or translation into native languages.

### **C. What Constitutes a Student Record?**

All special education records are part of the cumulative education file even though they may be stored at another location. When districts and schools decide to collect and maintain personally identifiable information, each piece included in an education record should represent a clear and important need for obtaining and recording that information. Therefore, education records may include, but are not limited to, the following:

1. identifying data (name, address, siblings, SSN, list of personal characteristics or other information that makes it possible to identify the student);
2. academic work (courses taken, transcripts);
3. level of achievement (grades, portfolios, performance assessments, scores on standardized achievement tests, etc.);
4. attendance data;
5. aptitude and psychological test scores and protocols;
6. records of teachers, counselors, medical personnel or psychologists working directly with a student;
7. interest inventory results;
8. observations and verified reports of serious or recurrent behavior patterns;
9. videotapes or audiotapes;
10. health data including medical assessments;
11. family background information;
12. transportation records; and
13. student records maintained by agencies or individuals contracted with the district.

The term “record” does not include:

1. records of teachers, supervisors, school counselors, specialists, administrators, or

ancillary personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

2. records created by law enforcement units of schools maintained separately for noneducational purposes; and
3. employment records about a student who is employed by a school or district.

#### **D. The Data Collection Process**

School personnel must have information about a student if they are to make appropriate decisions about special education and support programs. Records will follow the student from the time he or she enters school until the student graduates or completes his or her education program. Decisions regarding who collects the data or how and why the data is collected takes careful consideration by the district.

#### ***Commonly Asked Questions:***

1. Who develops the student's special education record?

Typically, office personnel of a school collect required demographic information through the enrollment process. Other school personnel contribute additional information as it becomes available. The student's special education case manager should organize all relevant data specific to special education in accordance with district guidelines and the IDEA.

2. How are special education records secured?

All records need to be kept in locked files in the school or district that the student attends. An access log must be attached to each file.

3. How many copies of the special education record should there be?

In addition to a master special education file maintained by the district or school, appropriate personnel may maintain permanent working files. The existence and location of all files must be documented in each file.

4. Can parents/adult students review and inspect test protocols if they are a part of a student's record?

Yes. The Office of Special Education Program's (OSEP's) position is that it is "highly improbable" that test protocols meet the "sole possession" exception to prohibit parent/adult student access. The basis of OSEP's position is that even though a protocol may be kept in the sole possession of the examiner, the information in it is discussed with other school personnel in programming or placement meetings. In other words,

data on the protocol is part of the documentation that is used to establish special education eligibility. Also, any anecdotal information on protocols can support the interpretation of the results. Therefore, a parent/adult student has the right under FERPA and IDEA regulations to inspect and review protocols.

The right to inspect and review a student's record does not necessarily entitle the parent/adult student to a copy of the test protocol. Test publishers require districts to maintain the integrity and validity of tests. They allow parents/adult students to view the student's responses to test items, but only if the information is shared in the presence of a person qualified to explain the results and meaning of the various items and data contained in the protocol. The exception to providing a copy of the protocol is when the parent/adult student would otherwise be unable to exercise his or her right to inspect and review those records. An example of these circumstances might be when the parent/adult student lives at such a distance that inspection and review are not practical. Protocols can be kept in a separate file, but their existence and location must be noted in the student's record.

The underlying argument by examiners and districts to prohibit parent/adult student access to protocols is the publisher's proprietary interest in the test items and answers and the publisher's ability to assure the validity of the test instrument. OSEP does not see it that way. OESP believes that a test protocol would not be an exception under FERPA and the IDEA when providing the test instrument would be the only way to meet the district's IDEA obligation to explain the test results to a parent/adult student.

OSEP has offered examiners an opinion that test instruments, test protocols, and interpretative materials that do not contain the student's name and are not kept by the examiner do not fall under FERPA's definition of education records. Thus, coding a test protocol by a letter or number known only to the test examiner and not otherwise revealing the student's identity may be a way to preserve the confidentiality of a protocol.

Another alternative is that examiners may wish to destroy, rather than maintain, protocols and interpretative materials after fully documenting the results and interpretations on the special education Eligibility Report.

5. Who is responsible for the accuracy of student records?

In general, educators collecting student information are ethically responsible for maintaining accurate records. A parent/adult student can challenge the accuracy of a record through the district procedures for requesting amendment of records.

6. Can social security numbers (SSN) be used to identify education records?

Yes. However, a district or institution cannot require students to provide social security numbers. It is important to inform parents/adult students of how the school or agency intends to use these numbers as well as the limits of their use.

## **E. Access to Student Records**

A parent/adult student must have the opportunity to inspect and review all education records associated with the special education services the student receives. In particular, the parent/adult student must have access to records pertaining to the identification, evaluation, and educational placement of the student and the services received. However, it is important for schools to establish internal management procedures for verifying the authenticity of the request.

The IDEA requires a district to provide copies of certain information to the parent/adult student. The parent/adult student must be given a copy of the *Eligibility Report* and any other eligibility documentation as well as any individualized education program (IEP) developed. Test protocols are not part of the *Eligibility Report* and should not be given to parents/adult students. The results of the test must be documented on the *Eligibility Report* or on the individual report written by the professional administering the test.

### ***Commonly Asked Questions:***

1. Can students review their own records?

Yes, but only under certain circumstances. Under the IDEA and Idaho regulations, the right to review records transfers from the parent to the student once a student turns 18 years old unless the IEP team has determined that the student is unable to provide informed consent with respect to his or her educational program or the parent has obtained guardianship. Before age 18, students may not have access to their elementary or secondary school records unless they are emancipated minors or a parent wishes to review the records with his or her own child.

2. What are the access rights of emancipated minors?

Idaho law does not provide for the emancipation of minors. However, Idaho does recognize an emancipated minor who has the power and capacity of an adult as designated by a court in another state. An emancipated minor should be prepared to provide the district with the court document in order to obtain access to his or her own record. Also, in Idaho, students younger than age 18 who are married to an adult at least 18 years old are not emancipated minors. Instead, the spouse becomes the guardian of the student for legal matters. Therefore, the spouse has the access rights, but he or she can give consent for the student to review his or her own records. In such cases, school personnel are encouraged to work with the student by inviting the spouse to act as an advocate of the student when inspecting and reviewing records.

3. Can the custodial parent prevent a noncustodial parent from exercising his or her FERPA rights to access records?

No. FERPA rights are given to both parents. The school may assume that a parent has these rights unless it has evidence to the contrary. The school does not need the permission of the custodial parent to give the noncustodial parent access to records.

However, the custodial parent can request in writing that the minor child's address be deleted from records to prohibit a noncustodial parent from having access to the address simply by inspecting the school records.

## **F. Disclosure/Transfer of Records**

Districts are required to fully inform personnel who collect or use personally identifiable information about their responsibilities for implementing confidentiality provisions. The confidentiality of information must be protected at collection, storage, disclosure, and destruction stages.

Parent/adult student consent is needed to disclose records unless the circumstances are specifically authorized by FERPA. Schools need to maintain records of disclosures, including the names of persons retrieving the records and the purpose for each disclosure. Documentation of denials of access to records or partially fulfilled requests should also be maintained. Before releasing records, district personnel should review the compiled information for accuracy and ensure it is within the scope authorized to be disclosed.

Recommended procedures for transferring records to another school are as follows:

**Step 1:** When a student withdraws from a classroom/school, all records should be sent to the records manager of that school or district to ensure that all records are centrally located. All information that is not an education record should be deleted by the teacher or related service provider prior to forwarding the file to the records manager.

**Step 2:** If a district has formally received a request for a student's record from another Idaho district, the records manager should electronically transmit or overnight mail the IEP and *Eligibility Report* within 2 days of the notification. The rest of the file may follow by U.S. mail as soon as possible. If originals are sent, the district must maintain a copy for audit purposes.

If the district has formally received a request from an out-of-state school, forward copies or the original documents within 10 days of the request. If originals are sent, the district must maintain a copy for audit purposes.

**Step 3:** When the school record contains information concerning violent or disruptive behavior or disciplinary action, this information will be contained in a sealed envelope, marked "Confidential Information" and addressed to the principal or other administrator of the school.

**Step 4:** The records manager must document:

- a. the receipt of a formal request for records; and
- b. that specific records were forwarded to whom, when, and where.

***Commonly Asked Questions:***

1. Is written parent/adult student consent required for the education records to be released to any other district?

No, written consent is not required to send records to another school, school system, or educational institution in which the student intends to enroll. The district should automatically forward education records to other schools or districts within or outside the state as soon as the district receives verification of student enrollment in a different school system. However, the IDEA requires that any disclosure of records to other agencies be for the purpose of meeting IDEA requirements.

2. Should third party reports be included in the file that is forwarded to another school?

It depends on the circumstances. All reports that are part of a student's file in a school system should be forwarded. When a third party report has been released to a district by consent of the parent/adult student for the specific purpose of determining special education eligibility, placement, or FAPE, the report becomes a part of the file and should be forwarded.

When the district receives documents from noneducation agencies stating that they cannot be released to others or even the parent/adult student, the district should return the documents to the originator. These documents do not become part of the student's file.

3. What kind of information can be given over the telephone or in person to the receiving school or district?

Any information relevant to the student's IEP can be released over the telephone to the school requesting release of records. The district should document the telephone call and attempt verification of the student's intent to enroll.

4. Do you need consent to share information with law enforcement authorities or probation officers?

Unless there is a court order or subpoena allowing disclosure of the student's education record, school officials should obtain consent to release information to law enforcement authorities. Sample court orders are included in this appendix on pages A-169 and A-170. However, it should be noted that nothing in FERPA prevents a school official from disclosing to local law enforcement authorities information that is based on that official's personal knowledge or observation and is not from an education record. For instance, if a principal were to observe that a student is involved in a gang, FERPA would not prevent the principal from disclosing or reporting this information.

5. Can student records be transmitted electronically via the Internet or fax?

The law requires districts to prevent the unauthorized release of education records. Thus, when student records are transmitted electronically, confidentiality must be protected both by the sender and receiver of information. Procedures need to be established and staff must continually be trained about their obligation to treat the information confidentially. If fax machines are used, they are considered to be less secure. It is important for any electronic system to log the transfer of data in order to account for release of information by and to appropriate individuals. Districts can use a variety of methods to safeguard the data, including encryption, passwords, and authentication programs or stamping it confidential.

6. How long is a consent to release information valid?

Since a consent to release information is only required for agencies other than education agencies, the consent is valid for one immediate release, unless specific duration dates are listed on the release.

7. What should the district do with records if a student is determined to be ineligible for special education services?

Those forms that document ineligibility become part of the permanent file and should be transferred with other school records.

## **G. Destruction of Records**

Special education records must be kept for at least 5 years according to the General Education Provisions Act (GEPA). FERPA allows districts to maintain permanent records of limited identifying information, such as a student's name, address, telephone number, grades, attendance record, courses, grade level completed, and year completed. A parent/adult student must be informed when information is no longer needed to provide educational services and will be destroyed.

### ***Commonly Asked Questions:***

1. When can a district destroy special education records?

Special education records may be destroyed 5 years after the district no longer needs the information to provide special education services. GEPA regulations require districts receiving federal funds to retain records necessary for fiscal audit purposes and to show compliance with any federal regulations for 5 years after the use of sub-grant funds (Part B funds). Examples of the records to be maintained are the IEPs, Eligibility Reports, Consent, and Written Notices. If a district intends to destroy records after the required 5 year time period, the parent and adult student must be informed that the information is no longer needed and will be destroyed. A parent/adult student may



request that the special education records be destroyed, in which the district must destroy the records but after the 5 year time requirement.

2. Why should special education records be destroyed when they are no longer needed?

Record destruction is the best protection against improper and unauthorized disclosure. Record destruction also reduces management problems such as storage, maintenance, and retrieval.

3. What is the procedure for the destruction of special education records?

After 5 years, the district should document an attempt to inform a parent/adult student that special education records are no longer needed and that they will be destroyed. A letter to the parent/adult student needs to indicate that the records will be destroyed 45 days after the date of the notice. The parent/adult student should also be informed that he or she may need these records for other purposes in the future, such as determining Supplemental Security Income (SSI) eligibility. The district needs to document the date of destruction or the release of the records to a parent/adult student, when appropriate.

4. Who can destroy a special education record?

Districts need to designate a person to be responsible for record destruction.

5. How should records be destroyed?

Records need to be shredded and/or burned so they are no longer personally identifiable.

### ***References:***

Family Educational Rights and Privacy Act; Final Rule, 34 C.F.R. Part 99 (1995).

Idaho State Department of Education. (1989). *Guidelines for the management of student records*. Boise, ID: Author.

Transfer of Student Records Duties, Idaho Code 33-209 (1994).

National Center For Education Statistics, U. S. Department of Education. (1997). *Protecting the privacy of student records: Guidelines for education agencies*. Washington, DC: Author.

Family Policy Compliance Office, U. S. Department of Education and U. S. Department of Justice. (1997). *Sharing information: A guide to FERPA and participation in juvenile justice programs*. Washington, DC: Author.

### **Model Notification of Rights Under FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) the following rights with respect to the student’s education records:

1. The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access.

The parent or eligible student should submit to the school principal a written request that identifies the record(s) he or she wishes to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request an amendment of the student’s education record that is believed to be inaccurate or misleading. The parent or eligible student should make a written request for an amendment of records to the school principal by clearly identifying the part of the record that needs to be changed and specifying why it is inaccurate or misleading. If the district decides not to amend the record as requested, the parent or eligible student will be notified of the decision and advised of the right to a district hearing regarding the request.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, teacher, or support staff member (including health staff and law enforcement personnel); a person serving on the board of trustees; a person or company that the district has contracted to perform a special task; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

Upon request, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue SW  
Washington, DC 20202-4605

[NOTE: In addition, the district may want to include its required directory information public notice with its annual notification of rights.]

**Destruction of Records (Sample Letter 1)**

The district may send one of the following sample letters when the student graduates, completes the semester in which he or she attains the age of 21, is no longer eligible for special education, or when records are about to be destroyed.

August 27, 2001

Mr. and Mrs. John Doe  
12345 Main St.  
Last Chance, ID 67890

Dear Mr. and Mrs. Doe:

This letter is to notify you that the special education records that have been kept by Weteachem School District #007 on \_\_\_\_\_ (name of student) \_\_\_\_\_ are no longer needed to provide educational services. Therefore, in compliance with local school board policy, these records will be destroyed in 5 years. Destruction of these records is the best protection against improper and unauthorized disclosure.

Please be aware that these records may be needed for social security benefits or for other purposes in the future. If you wish to review or acquire the file now for your own reference, please make your request in writing to the district administration office.

If you have any questions, please feel free to contact me at \_\_\_\_\_.

Sincerely,

Director of Special Education

**Destruction of Records (Sample Letter 2)**

August 27, 2001

Mr. and Mrs. John Doe  
123 South Main  
Last Time, ID 45678

Dear Mr. and Mrs. Doe:

The purpose of this letter is to notify you that the special education records that have been kept by Weteachem School District #007 on \_\_\_\_\_ (name of student) \_\_\_\_\_ are no longer needed to provide educational services. Therefore, in compliance with local school board policy to destroy education records after 5 years, these records will be shredded in 45 days. Destruction of these records is the best protection against improper and unauthorized disclosure.

Please be aware that these records may be needed in the future for social security benefits or other purposes. If you desire to review the file or keep the file for your own records, please make your request to the administration office within 45 days. After that time, if we have not heard from you, these records will be destroyed.

If you have any questions, please contact me at \_\_\_\_\_.

Sincerely,

Director of Special Education

### **Using the Newspaper to Provide Notification of Destruction of Records**

The district can also use the newspaper to try to notify individuals with disabilities who have left the district and have been withdrawn for more than five years that special education records will be destroyed. Best practice may include the distribution of Sample Letter 1 (see page A-166) when a student graduates or leaves the district *and* the annual posting of the following public notice in the newspaper.

#### **Public Notice for Destruction of School Records**

According to school board policy, the \_\_\_\_\_ School District #\_\_\_\_\_ hereby gives notice that special education records are no longer needed to provide educational services to individuals with disabilities who were enrolled in the district as a student prior to the year \_\_\_\_\_ and have since left the district. The district will destroy these special education records (by shredding them) in 45 days. Destruction of these records is the best protection against improper and unauthorized disclosure.

Please be aware that if you have special education records on file with the school district, these records may be needed for social security benefits or for other purposes in the future. If you wish to review the file or keep the file for your own records, please make the request to the administration office with 45 calendar days.

For further information contact the school district administration office. (Include contact information.)

**Court Order Authorizing School-Probation Information Exchange Model**

CONFIDENTIAL INFORMATION

STATE OF \_\_\_\_\_, SUPERIOR COURT

COUNTY OF \_\_\_\_\_, JUVENILE COURT

ORDER OF THE JUVENILE COURT AUTHORIZING RELEASE AND EXCHANGE OF  
INFORMATION BETWEEN SCHOOL DISTRICTS AND PROBATION OFFICIALS

Pursuant to the authority vested in the Court by

\_\_\_\_\_(Identified Code and Sections)

IT IS HEREBY ORDERED that the Probation Department of \_\_\_\_\_ County and all districts in \_\_\_\_\_ County shall release information to each other regarding all minors and students under their supervision. Information that may be helpful in providing services, supervision, progress reports, advice to the juvenile court, and educational placements, as well as in increasing school safety and other legitimate official concerns of both agencies shall be shared by both agencies. Such information shall include, but is not limited to, academic, attendance, and disciplinary records; arrest and dispositional data; names of minors on probation and their assigned probation officers; and names of minors attending individual schools and their assigned teacher, counselor, or other appropriate adult contact at the school site.

\_\_\_\_\_  
Date, Presiding Judge, Juvenile Court

**Sample Court Order****Notice of Juvenile Court Disposition  
(on agency letterhead)**

Date  
Superintendent  
School district  
RE: (name of student)  
Birth date:  
Last school:

In accordance with (citation of Code and Sections) and with the Order of the Juvenile Court, you are hereby notified that the above-named minor was found by the juvenile court to have:

\_\_\_\_\_  
\_\_\_\_\_

On (date), the minor was placed \_\_\_\_\_

\_\_\_\_\_

with the specific terms of probation to \_\_\_\_\_

\_\_\_\_\_

Sincerely yours,

\_\_\_\_\_  
Deputy Probation Officer

Phone: \_\_\_\_\_

## **Appendix 7D**

# **SURROGATE PARENT PROCEDURES AND FORMS**

### **Section 1. Determining the Need for a Surrogate**

If the district cannot identify or locate a person who meets the definition of a parent, it must appoint a surrogate parent to represent the interests of the student.

#### **A. Definition of Parent**

For special education purposes, the term “parent” means a parent, guardian, or a person acting as a parent of a child. In determining who has parental rights, the district will consider individuals in the following order of priority:

1. natural or adoptive parent with legal custody;
2. legal guardian;
3. stepparent or relative with whom a student lives (e.g., grandparent, aunt, or uncle);
4. a person not related to the student, but with whom the student lives and who has explicit approval (such as power of attorney) from the natural or adoptive parent to provide physical care; and
5. long-term foster parent with whom a student has resided for 6 months or more.

The term parent does not include:

1. a natural or adoptive parent whose parental rights have been terminated by a court of competent jurisdiction;
2. the state, if the student has been placed in the state’s custody by a court of competent jurisdiction;
3. the director or other employee of an agency, an institution, or a community-based residential facility who is involved in providing care or education to the student;
4. a person not related to the student, with whom the student lives, who does not have explicit approval from the natural or adoptive parent to provide physical care;
5. a foster parent with whom the student has resided for less than 6 months; or



6. an employee of a state agency or agency volunteer (e.g., caseworker, social worker, or a court-appointed special advocate who has been appointed by the state to provide for the welfare of the student).

## **B. Locating the Parent**

The district should keep records of its attempts to locate a parent and should maintain these records in the student's special education file. The district will use a combination of methods including:

1. A certified letter that includes:
  - a. a request for participation in the special education process;
  - b. the *Special Education Rights Statement*; and
  - c. a method for allowing the parent to respond to the request.
2. A contact to the appropriate agency (usually the Department of Health and Welfare) if a student is in the state's custody, to determine the student's status and potential need for a surrogate parent.
3. Phone calls.
4. A visit to the parent's last known address.

Any employee of the district who is aware that a student may need a surrogate must notify an appropriate district administrator. Any member of the community who is aware that a student may need a surrogate parent should notify the district. A *Determination of Need for a Surrogate Parent* form (see page A-176) needs to be completed, submitted to the administrator, and placed in the student's special education file.

## **Section 2. Qualifications, Selection, and Training of Surrogate Parents**

### **A. Qualifications**

A surrogate parent must meet the following qualifications:

1. be an adult of good character;
2. be a resident of the State of Idaho;
3. have no interests that conflict with the interests of the student being represented;

4. have sufficient knowledge and skill to ensure adequate representation of the student;
5. not be an employee of any public agency involved in the education or care of the student;
6. not be an employee of a private agency involved in the education of the student;
7. have sufficient time, knowledge, and skill to carry out the duties of a surrogate parent; and
8. have an understanding of the student's native language, culture, and ethnic background.

## **B. Selection of Surrogate Parents**

The district is responsible for selecting and training qualified surrogate parents. Best practice recommendations are to select surrogate parents by:

1. recruiting volunteers via newspaper ads, posters, announcements at parent meetings, asking potential candidates, and developing a list of potential volunteers;
2. interviewing potential volunteers for surrogate parents;
3. arranging and providing training for surrogate parents; and
4. maintaining a list of people who are qualified, trained, and willing to serve as surrogate parents.

The district, in some cases, may appoint a foster parent as the surrogate parent, even if the child has not resided with him or her for 6 months. Appropriate training must be provided. Caution is advised in appointing a foster parent because he or she may inadvertently represent state interests.

A *Surrogate Parent Information Sheet* is included in this appendix on page A-178 to assist the district in keeping information about trained, qualified surrogates available and about appointments that have been made.

## **C. Training**

The district must ensure that a surrogate parent has appropriate training or comparable experience to effectively represent the student. Training methods may include:

1. in-service training for a group of prospective surrogate parents (a minimum of 5 hours is recommended)
4. one-to-one training with a surrogate parent covering needed information;

3. videotapes or other media to provide information about special education;
4. recent college courses in special education;
5. previous participation in the special education process; or
6. participation in training sessions designed to provide other parents with information about their special education rights.

Training should be provided in the following topics:

1. federal, state, and local laws and processes related to special education; and
2. rights and responsibilities of surrogate parents.

#### **D. Administrative Issues**

The district should develop guidelines in these areas:

1. reimbursing the surrogate parent for travel and other expenses incurred while serving as a surrogate parent, consistent with district policy;
2. assigning no more than 5 students to any 1 surrogate parent;
3. reviewing the assignment of each surrogate parent, at least annually, to ensure that he or she has:
  - a. become acquainted with the student's educational needs;
  - b. reviewed the student's education records;
  - c. provided input into decisions to evaluate or reevaluate a student, as appropriate;
  - d. participated in the development, review, and revision of the student's IEP; and
  - e. represented the student effectively in all matters relating to FAPE.

#### **E. Surrogate Parent Rights and Responsibilities**

A surrogate parent has the same rights as a natural parent throughout the educational decision-making process. The surrogate parent must:

1. Become acquainted with the student, including the student's disability, education records, educational needs, culture, and language background. This is done through visits to the student's school, and where possible, place of residence.

2. Represent the student at all IEP team meetings to develop, review, and revise the student's IEP. The surrogate parent must represent the student at all other meetings related to the identification, evaluation, and educational placement of the student, and the provision of FAPE in the least restrictive environment.
3. Ensure the confidentiality of information and records concerning the student.
4. Make sufficient time available to effectively carry out the duties of a surrogate parent.
5. Have sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed.
6. Maintain a file containing the student's records and a record of the surrogate parent's activity. The surrogate parent will forward the file to the district upon the termination of his or her appointment.
7. Notify the district whenever he or she has reason to believe that a conflict of interest exists with respect to his or her appointment.

A sample letter of appointment for surrogate parents that outlines the role and responsibilities of a surrogate parent is included in this appendix on page A-179.

#### **F. Terminating Appointments**

The appointment of a surrogate parent must be terminated when any of the following conditions occur:

1. The natural or adoptive parent with legal custody is identified and located.
2. A guardian is appointed by a court of competent jurisdiction.
3. The student no longer requires special education and/or related services.
4. The surrogate parent informs the district that he or she is no longer willing to serve as a surrogate parent.
5. The district learns that a surrogate parent does not meet the criteria to serve as a surrogate because he or she has become an employee of the district or other agency directly involved with the student, or a conflict of interest is identified.
6. The surrogate parent has not effectively represented the student, i.e., has not attended meetings or has not become acquainted with the student's needs.

Disagreement with district recommendations or procedures is not cause for termination of a surrogate parent appointment.

Date of Request: _____	Determination of Need for a Surrogate Parent
------------------------	--

*This form may be used by the school district when determining the need for a surrogate parent for a student.*

Person Making the Request: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Student's Current Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ School of Enrollment: \_\_\_\_\_

Check one: \_\_\_\_\_ The student is receiving special education services.

\_\_\_\_\_ The student is suspected of needing special education services.

Is there a caretaker or custodian of the student? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Contact Number: \_\_\_\_\_

What relationship to the student does the caretaker or custodian have?

Relative \_\_\_\_\_ Foster Parent \_\_\_\_\_ Group Home \_\_\_\_\_

Other (specify) \_\_\_\_\_

Is the student in the state's custody? Yes \_\_\_\_\_ No \_\_\_\_\_

Do the student's natural or adoptive parents have legal custody? Yes \_\_\_\_\_ No \_\_\_\_\_

Are the student's parents unknown/unavailable? Yes \_\_\_\_\_ No \_\_\_\_\_

Documented efforts to locate a parent or guardian include:

Phone \_\_\_\_\_ Letters \_\_\_\_\_ Certified Letters \_\_\_\_\_

Visit to parent's last address \_\_\_\_\_ Other (specify) \_\_\_\_\_

Does the student have a court-appointed or other legal guardian? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, list the name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Does the caretaker, custodian, or court appointed guardian meet the definition of a parent for special education purposes? Yes \_\_\_\_\_ No \_\_\_\_\_

Please explain:

**Please forward a copy of this form with pertinent documentation to the district's special education director.**

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**District Use Only**

Based on the information available:

☐ A surrogate parent must be appointed to represent the student.

☐ A surrogate parent does not need to be appointed.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

**(The appointment of a surrogate parent must be no more than 30 calendar days from the date the potential need was identified.)**

Comments:

## Surrogate Parent Information Sheet

*This information may best be gained by interviewing the potential surrogate parent. The information on this form should be filed in the district special education office, not in the student's special education file.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Resident of Idaho? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Are you currently employed by an agency that would constitute a conflict of interest in your service as a surrogate parent? (Examples are school district employee, Department of Health and Welfare caseworker, etc.) Yes \_\_\_\_\_ No \_\_\_\_\_
2. Please describe your educational background: \_\_\_\_\_
3. Are you conversant in other languages or sign language? \_\_\_\_\_
4. Please tell us about experiences you have had with children or youth, parenting, special interests, organizations, affiliations: \_\_\_\_\_
5. Do you have any previous experience working with, or caring for, children with disabilities? Please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Would you be able to attend meetings at school regarding any students assigned to you? Yes \_\_\_\_\_ No \_\_\_\_\_ What time would be best for you? \_\_\_\_\_
7. Are you willing to serve as a surrogate parent for one year or more? Yes \_\_\_\_\_ No \_\_\_\_\_
8. Do you have a preference for the type of student assigned to you? (age, disability, or school location) \_\_\_\_\_
9. On the back of this page, please list three references we could contact.

Prospective Surrogate Parent: \_\_\_\_\_ Date: \_\_\_\_\_

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### District Use Only

Documentation of training: \_\_\_\_\_

**Student**

**Date Surrogate  
Appointment Made**

**Date Surrogate  
Appointment Terminated**

### Sample Letter of Appointment for Surrogate Parents

Dear (insert surrogate parent's name)

The purpose of this letter is to appoint you as a surrogate parent for (insert student's name). We thank you for volunteering your time and talents to benefit a student in our district. When the natural or adoptive parent is not able to serve as a parent, and the student is eligible to receive special education services, it is necessary for the school district to appoint a surrogate parent to act on behalf of the student in matters related to special education. We greatly appreciate your service.

We would like to restate some of the details we talked about previously regarding the responsibilities for surrogate parents. As a surrogate parent for (insert student's name), we invite your involvement in the following ways:

- become acquainted with the student, including the student's disability, education records, educational needs, and cultural and language background;
- represent the student in all meetings to develop, review, and revise the student's individualized education program (IEP);
- represent the student at other meetings related to the identification, evaluation, and educational placement of the student, and the provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE);
- ensure the confidentiality of information and records concerning the student;
- acquire sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed;
- maintain a file containing the student's records and your activity as a surrogate parent; and
- notify the district whenever you have reason to believe that a conflict of interest exists with respect to this appointment.

The district is responsible to provide training to you as needed regarding special education services. The district is pleased to reimburse your travel and other expenses according to district policy. Forms will be provided to you.

As a surrogate parent, you will have the same rights as the natural or adoptive parent. These briefly include being an informed participant in the special education decision-making process, reviewing the student's records, receiving written notice before changes are made in the student's IEP program, and using procedural safeguards. A *Special Education Rights Statement* is attached to this letter that more fully explains your rights.

We look forward to working with you as you undertake the responsibility for (insert student's name). If you have questions at any time, please feel free to call me. Again, on behalf of (insert student's name), and our school district, I appreciate your assistance.

Sincerely,

Director of Special Education





## Appendix 7E SPECIAL EDUCATION MEDIATION IN IDAHO

### MANAGING PARENT AND SCHOOL CONFLICT THROUGH EFFECTIVE COMMUNICATION

If conflict occurs between a parent and school personnel regarding the educational program of a special education student, mediation may provide a nonadversarial alternative to resolve the dispute.

**Mediation** is a structured, yet informal, voluntary process in which an impartial third party, a mediator, helps parents and school personnel who are experiencing conflict to reach a suitable agreement. Mediation builds positive working relationships, encourages mutual understanding, and helps parents and school personnel focus on their common interest—the student.

#### The Special Education Mediation Process Is:

**Voluntary** for parents and school personnel and is not required by law;

**Confidential**, thus encouraging all participants to speak freely;

A **No-Cost Service** to parents and schools provided by the Idaho State Department of Education (SDE); and

An **Alternative** that does not affect the status of a due process hearing or formal complaint.

### Section 1. Mediation in Idaho

The mediation process:

1. May resolve disputes regarding the identification, evaluation, educational placement, or related services for students with disabilities;
2. Clarifies areas of agreement and disagreement; and
3. Fosters better relationships between parents and schools.

## Section 2. Comparing Mediation to Other Systems

<b>Mediation</b>	<b>Impartial Due Process Hearing</b>	<b>Complaint</b>
Oral and written requests accepted	Only written requests with signature accepted (e-mail requests not acceptable)	Only written requests with signature accepted (e-mail requests not acceptable)
Less adversarial	Adversarial	Adversarial
Informal	Formal	Formal
Confidential	Confidential	Confidential
No cost to parties	Costly for schools/parents	Could be costly
Supports mutual problem-solving	Hearing officer orders solution	SDE investigator makes final determination
Takes less than a day	May take several days	May take several weeks
Efforts made to complete entire process within 14 days	Decision must be issued within 45 days of the request unless the timeline is extended by the hearing officer	Investigation must be completed within 60 days with a final written report
Supports open, direct communication	Communication through attorneys and hearing officer	Communication with investigator
Agreements made jointly	Law-based solution	Any corrective actions determined by SDE
If unsuccessful, either party may pursue a complaint or hearing	Decision is binding, but may be appealed to state or federal court	Currently no formal appeal

## Section 3. Requesting Mediation

An oral or a written request for mediation may be made to the SDE by the parent of a student with a disability, a legal guardian, a surrogate parent, or the district. In addition, the SDE will encourage parents and districts to participate in mediation when it seems appropriate. Following a request for mediation, the SDE will make every effort to complete the process within 14 days.

A request for mediation:

1. Is appropriate when parents and/or schools are unwilling or unable to modify their position without outside assistance;
2. May occur when parents and schools, after making a good-faith effort, face an impasse in attempting to resolve the conflict; and
3. Can be scheduled prior to, or concurrent with, a request for a due process hearing.

#### **Section 4. Proposed Mediation by the SDE**

The SDE will automatically offer mediation to resolve a dispute between parents and the district:

1. When there is a formal request for a due process hearing; and
2. At any other time the SDE deems the use of mediation appropriate.

#### **Section 5. Appointment of a Mediator**

The SDE maintains a list of qualified mediators. When both parties in a dispute agree to mediate, every attempt will be made by the SDE to appoint a mediator within 3 business days of the request. A mutually agreed upon time, date, and place of the mediation will be coordinated by the mediator.

If a due process hearing has been requested, the SDE will use a rotation list to select the mediator or both parties will be involved in and agree with the selection of the mediator.

If a due process hearing has been requested, the mediator may not be an employee of any district or state agency providing publicly funded services under the IDEA and co-mediators may not be used.

#### **Section 6. The Mediator**

A mediator is a neutral third party trained in communication, problem-solving and negotiation skills, and specific mediation techniques who acts as a facilitator to assist parents and schools in resolving conflicts. The mediator:

1. Educates the parties about the mediation process.
2. Establishes the ground rules for all parties to follow.
3. Guides the process.

4. Encourages open and honest communication.
5. Ensures that each party is heard.
6. Rephrases information and summarizes issues.
7. Facilitates the writing of the agreement.

### **Section 7. Roles of Parents and Schools**

It is in the best interest of all parties, including the student, to explore mediation as a means to an informal resolution of the conflict. Parents and school personnel play a very important role in mediation. As active participants, each party can help design a mutually agreeable solution.

### **Section 8. Prior to the Mediation**

The SDE will provide:

1. Formal notification to the disputing parties of the mediator appointed.
2. A copy of *Special Education Mediation in Idaho* and the *Special Education Rights Statement* to each party.
3. A copy of the “Confidentiality Pledge” to the parent, district, and mediator. The parties should review the pledge, come to the mediation with any questions regarding confidentiality, and be prepared to sign the pledge.

The mediator will:

1. Contact the parties to explain the mediation process, identify issues, and help the parties establish a date, time, and place to hold the mediation.
2. Assist in determining who will attend the mediation session and inform the parties that participants need to be knowledgeable about the student and of available resources or services the student may need.
3. Advise the SDE of the names of all parties who will participate in the mediation session.

The parent and district will:

1. Determine who will attend the mediation session and advise the mediator of their choices.

2. Advise the mediator that the individual(s) with authority to commit resources and make final resolution decisions will participate in the mediation session.

## Section 9. Preparing for the Mediation Session

The following guidelines can help participants prepare for the mediation session:

1. Keep your schedule free and be willing to give at least one full day to the mediation process.
2. Put aside personality conflicts and center on the educational interests of the student.
3. Approach mediation in good faith.
4. Be open, honest, and willing to listen.
5. Be familiar with all documents related to the dispute, including the Individualized Education Program (IEP).
6. Organize your information and materials.
7. Set goals you would like to achieve during the session.
8. Be open to alternatives.

## Section 10. The Mediation Session

Every mediator has his or her own personal style of conducting a mediation. Participants should feel free to ask questions and seek clarification on any issue during the session. The mediation may include the following stages:

1. **Introduction:** The mediator will explain the process, set the ground rules for all parties, respond to questions, and encourage the parties from the onset to deal with issues – not personalities.
2. **Identification of issues:** Each party will have an opportunity, without interruption, to identify issues and share information. The mediator may seek additional information or summarize the issues.
3. **Expression of interests:** At this stage, the mediator helps the parties identify their interests (those factors underlying their issues). Goals, needs, beliefs, hopes, and fears are expressed, explored, and clarified.

4. **Caucus:** On occasion, issues and underlying interests may not be clear. Opportunity is provided for each party to “caucus” with the mediator for the purpose of sharing information or seeking clarification about the issues. The mediator will not disclose information from caucus sessions without consent.
5. **Recess:** A break may be requested by any participant during the session. This time provides an excellent opportunity for all parties to gather their thoughts and absorb what has transpired.
6. **Creating alternatives:** After the basic issues and interests have been identified, discussed, and clearly understood by all parties, the mediator will assist the parties in identifying or developing options to resolve the conflict. At any time during an open session or in a caucus, either party may propose solutions.
7. **Developing and writing a plan:** The ultimate goal of mediation is to obtain a written resolution to the conflict. The parties establish the terms of the agreement. The mediator writes the final agreement, which is signed by the parent(s), school representatives, and mediator. Each party retains a copy of the agreement. If an agreement involves proposed changes to a student’s IEP, an IEP team meeting should be convened as soon as possible.
8. **Implementation:** For the final agreement to work effectively, its provisions must be implemented. The signed agreement demonstrates a commitment by both parties to abide by the conditions of the agreement. Ultimately, it is the responsibility of the parties to fulfill their obligations.

### Section 11. Mediation Policies

1. Disputes involving weapons, drugs, or physical/sexual abuse are not acceptable cases for mediation.
2. No video or audio recording of the mediation proceedings will be made.
3. Each party must designate a person who has the authority to make final resolution decisions.
4. The district should have at least one representative present who has the authority to commit resources.
5. Because mediation is a nonadversarial process that offers the parties the opportunity to communicate directly with each other, legal representation during a mediation session is strongly discouraged.

6. Except for the signed agreement, confidentiality pledge, and mediator evaluation forms, all notes or records taken during the proceedings will be collected and destroyed by the mediator at the conclusion of the mediation session.
7. The mediator will provide signed copies of the agreement to each party and the SDE.
8. The mediator will be excluded from subsequent actions Xcomplaint investigations, due process hearings, or legal proceedings.
9. A due process hearing requested prior to mediation may be canceled by the requesting party.
10. If for any reason the mediation fails, the mediator will provide each party and the SDE with a statement certifying that the mediation was unsuccessful.
11. Either party has the option to make another request for mediation.

For additional information, contact:

**Dispute Resolution Coordinator**

State Department of Education  
Bureau of Special Education  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208/332-6912  
TT: 800/377-3529  
FAX: 208/334-4664

**Regional Special Education**

North:	208/667-2588	Coeur d'Alene
	208/885-9060	Moscow
Southeast:	208/282-3610	Pocatello
Southwest:	208/426-4315	Boise
	208/426-4397	Boise

**Comprehensive Advocacy, Inc. (Co-Ad)**

4477 Emerald Street, Suite B-100  
Boise, ID 83706  
V/TT: 208/336-5353  
V/TT: 800/632-5125

**Idaho Parents Unlimited, Inc. (IPUL)**

4696 Overland Road, Suite 478  
Boise, ID 83705  
800/242-IPUL  
V/TT: 208/342-5884





**Appendix 7F**  
**IDAHO STATE DEPARTMENT OF EDUCATION**  
**PROCEDURES FOR RESOLVING COMPLAINTS**  
**UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

**Section 1. Filing Complaints**

- A. Any individual or organization from Idaho or another state who believes a school district or other education agency has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) may file a formal complaint with the State Department of Education (SDE). The complaint must:
1. Be in writing. Electronic mail is not acceptable. (The SDE will provide reasonable accommodations to individuals who need assistance in filing written complaints.)
  2. Be signed and dated.
  3. Include one or more allegations. Allegations are statements that an education agency has violated a requirement of Part B of the IDEA. The alleged violations may not be older than one year from the date the complaint is received by the SDE. For unusual circumstances involving allegations older than one year, an extended period of time may be reasonable if:
    - a. The alleged violation is considered to be ongoing; or
    - b. There is a request for compensatory services for a violation that occurred not more than 3 years prior to the date of the complaint.
  4. Include the basis of each allegation. A basis includes the facts and/or a description of the events to support the allegation, including the name(s) of the student(s) involved, as appropriate.
- B. Complainants should also include their mailing addresses and work and home telephone numbers as well as the name, address, and telephone number of the student(s) involved.
- C. Complaints must be mailed to:
- Dispute Resolution Coordinator  
State Department of Education  
Bureau of Special Education  
P.O. Box 83720  
Boise, ID 83720-0027

## Section 2. Evaluating Complaints

At times, the SDE may not be able to proceed with resolution of all of a complainant's concerns. Complaints will be evaluated to determine whether the SDE can proceed with resolution.

- A. The SDE will notify the complainant, within 30 days of receipt of a complaint, if it cannot proceed with complaint resolution and the reasons. The complainant may subsequently file a new complaint. If this occurs, the 60-day timeline will begin upon receipt of the new complaint. Complaint resolution cannot proceed when:
1. The complaint is not in writing.
  2. The complaint is not signed.
  3. The complaint does not include allegations of Part B violations. (If appropriate, the SDE will notify the complainant of the appropriate agency, entity, or process to address his or her concerns.)
  4. The complaint does not include the basis for any of the allegations.
  5. All of the allegations in the complaint have been resolved in a previous due process hearing. However, the SDE will resolve a complaint alleging that the education agency failed to implement a due process hearing decision.
- B. The SDE will notify the complainant within 30 days of receipt of a complaint if it cannot proceed with resolution of certain statements and the reasons. The complainant may subsequently revise the complaint. If the revised complaint contains additional allegations on which the SDE can proceed, the SDE will modify the scope of complaint resolution and may extend the 60-day timeline. Resolution of every allegation cannot proceed when:
1. Some of the statements in the complaint are not allegations that an education agency has violated a requirement of Part B of the IDEA. In this situation, the SDE will proceed with resolution of the statements that are allegations. Where appropriate, the SDE will assist the complainant in clarifying other statements and/or will inform the complainant of the appropriate agency, entity, or process to address concerns that do not allege IDEA violations.
  2. The basis is not provided for some of the allegations. In this situation, the SDE will proceed with resolution of the allegations for which a basis has been included. If appropriate, the SDE will assist the complainant in identifying the basis for his or her other allegations.
  3. Some or all of the allegations in the complaint are the subject of a current due process hearing. In this situation, the SDE will proceed with resolution of allegations that are not part of the due process hearing. The SDE will set aside allegations that are the

subject of a due process hearing and will suspend the timeline for those allegations. When the hearing is resolved, the SDE will proceed with resolution of any allegation on which the hearing officer has not ruled. However, the SDE will proceed to resolve allegations that an education agency failed to implement a due process hearing decision.

- C. If the complaint is withdrawn by the complainant prior to expiration of the timeline for resolution, the SDE will close the complaint.

### Section 3. Complaint Resolution Processes

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Early complaint resolution (ECR):** The SDE may propose the use of ECR to resolve the complaint. This mutual approach provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular findings of fact and conclusions. The SDE Dispute Resolution Coordinator or a contracted investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful, the SDE will conduct a full investigation.
2. **Corrective action plan (CAP):** The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure that the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.
3. **Investigation:** If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary.
4. **Verification of resolution:** At any time during an investigation, the education agency may submit information to the SDE to document that one or more of the allegations in the complaint have been resolved. The SDE may also receive similar information from other sources.

## Section 4. Compliance Activities

The SDE will negotiate or require corrective actions, including timelines, as necessary, for the education agency to achieve compliance.

- A. **Remedies:** The SDE will identify the specific corrective action steps necessary for the district to achieve compliance. If it is determined that the district has failed to provide appropriate services, the SDE will address:
  - 1. How to remedy the denial of those services including, as appropriate, the award of compensatory education, monetary reimbursement, or other corrective actions appropriate to the needs of the student that is the subject of the complaint; and
  - 2. Appropriate future provision of services for all students with disabilities in the education agency.
- B. **Documentation:** The SDE will verify implementation of corrective actions and compliance by obtaining documentation from the education agency, confirming compliance with the complainant, or conducting an on-site follow up.
  - 1. **Technical assistance:** If necessary, the SDE will provide technical assistance to the education agency during or following complaint resolution. The SDE will maintain a record of technical assistance provided to education agencies.
  - 2. **Sanctions:** If the education agency fails to achieve compliance, the SDE may initiate procedures to withhold federal funds until the education agency achieves compliance.

## Section 5. Complaint Resolution Steps

Within 60 days of receiving the complaint the SDE will:

- A. Notify the education agency against which the complaint has been filed. The notice will include the allegations, the basis for the allegations, and a copy of this complaint procedure.
- B. Suggest mediation to both parties as a method for resolving the complainant's concerns.
- C. Provide the complainant with a copy of this complaint procedure. The complainant will also be notified of his or her right to submit additional information, either orally or in writing. Complainants will be asked to submit additional written information within 15 days of receiving notice of the right to do so. The complainant may submit additional oral information through an interview with the complaint investigator.

- D. Gather sufficient additional information to make a determination for each allegation through informal fact finding; telephone or personal interviews; and a review of files, documents, correspondence, and other information. If both parties agree that one or more violations have occurred, additional fact-finding will not be conducted in those areas.
- E. Carry out an independent on-site investigation if it is determined necessary.
- F. Review all relevant information and make an independent determination for each allegation filed by the complainant as to whether the education agency has violated a requirement of Part B of the IDEA.
- G. Issue a written decision to the complainant and education agency that contains:
  - 1. An introduction with:
    - a. The date the complaint was received by the SDE.
    - b. The name of the education agency involved.
    - c. The complainant's allegations.
    - d. The complaint investigator's name.
    - e. A list of the information gathered and reviewed, and the method of collection.
    - f. A description of the complainant's opportunities to submit additional information and whether additional information was submitted.
    - g. If relevant, a description of any extension of the 60-day timeline and the exceptional circumstances that warranted the extension.
  - 2. The SDE's findings of fact.
  - 3. The SDE's determination regarding each allegation.
  - 4. If the SDE determines the education agency violated a Part B requirement, required compliance activities will be stated in the report. A timeline and method of documenting compliance will be included.
  - 5. A reference number. Personally identifiable information about the student will not be included in the final report. The use of personally identifiable information about personnel employed by the education agency will be avoided.

- H. Notify the complainant and the education agency if the timeline is extended. The 60-day timeline, from date of receipt of the complaint to issuance of the report, may be extended if exceptional circumstances exist and are documented by the SDE. If the timeline is extended, the complainant and education agency will be notified in advance of the extension. The notification will include the length of the extension and a description of the exceptional circumstances that warrant the extension.

### **Section 6. Record of Complaints**

Each complaint file will be maintained for a period of at least 5 years and will include an original or copy of:

1. The complaint.
2. The investigative notes, documents, correspondence, phone logs, etc.
3. The final report, or documentation that the complaint was withdrawn.
4. Verification of compliance if additional activities are required in the report.

**Appendix 7G**  
**DUE PROCESS HEARING REQUEST FORM**  
**FOR USE BY A PARENT/ADULT STUDENT**

*Please submit any request for a due process hearing to your district superintendent or the Dispute Resolution Coordinator, Bureau of Special Education, State Department of Education, P.O. Box 83720, Boise, ID 83720-0027. (You may use this form or submit a letter that includes the information below.)*

**A. General Information:** (type or print)

Date of Written Request: \_\_\_\_\_ Date Received (completed by SDE): \_\_\_\_\_

Name of Individual Requesting Hearing: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Parent/Guardian of Student: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: (Hm) \_\_\_\_\_ (Wk) \_\_\_\_\_

Name of District/Agency Hearing Complaint Is Against: \_\_\_\_\_

**Student Information:**

**District Information:**

Student Name: \_\_\_\_\_

District Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

School Student Attends: \_\_\_\_\_

(Complete if the information is available):

Student's Attorney: \_\_\_\_\_

(Complete if the information is available):

District's Attorney: \_\_\_\_\_



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Date \_\_\_\_\_

**Appendix 7H**  
**IDAHO CODE 33-205**

Amended 7/1/98

Title 33  
Education  
Chapter 2  
Attendance at Schools

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state. Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. Discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the individuals with disabilities education act and section 504 of the rehabilitation act. An authorized representative of the board shall report such student and incident to the appropriate law enforcement agency.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on its own behalf, and to cross-examine any adult witnesses who may appear against him. Within reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the magistrate division of the district court of the county of the pupil's residence, in such form as the court may require under the provisions of section 16-1807, Idaho Code.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

**Appendix 7I**  
**CRIMES AND CRIMINAL PROCEDURE DEFINITIONS**

**EXCERPTS FROM\*:**  
**United States Code Annotated**  
**Title 18. Crimes and Criminal Procedures**  
**Part I – Crimes**  
**Chapter 44 – Firearms**

Current through P.L. 104-333, approved 11-12-96

*\*Note: Missing Text*

§930. Possession of firearms and dangerous weapons in Federal facilities

*\*Note: Missing Text*

(G) As used in this section:

*\*Note: Missing Text*

(2) The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 22 inches in length.

**EXCERPTS FROM\*:**  
**United States Code Annotated**  
**Title 21. Food and Drugs**  
**Chapter 13 – Drug Abuse Prevention and Control**  
**Subchapter I – Control and Enforcement**  
**Part B – Authority To Control; Standards and Schedules**

Current through P.L. 104-33, approved 11-12-96

§812. Schedules of controlled substances

*\*Note: Missing Text*

c) Initial schedules of controlled substances

Schedules I, II, III, IV, and V shall, unless and until amended<sup>1</sup> to section 811 of this title, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

**Schedule I**

a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- |                              |                             |
|------------------------------|-----------------------------|
| (1) Acetylmethadol.          | (22) Etonitazene.           |
| (2) Allylprodine.            | (23) Etoxidine.             |
| (3) Alphacetylmethadol.      | (24) Furethidine.           |
| (4) Alphameprodine.          | (25) Hydroxypethidine.      |
| (5) Alphamethadol.           | (26) Ketobemidone.          |
| (6) Benzethidine.            | (27) Levomoramide.          |
| (7) Betacetylmethadol.       | (28) Levophenacetylmorphan. |
| (8) Betameprodine.           | (29) Morpheridine.          |
| (9) Betamethadol.            | (30) Noracetylmethadol.     |
| (10) Betamethadol.           | (31) Norlevorphanol.        |
| (11) Clonitazene.            | (32) Normethadone.          |
| (12) Dextromoramide.         | (33) Norpipanone.           |
| (13) Dextrorphan.            | (34) Phenadoxone.           |
| (14) Diampromide.            | (35) Phenampromide.         |
| (15) Diethylthiambutene.     | (36) Phenomorphan.          |
| (16) Dimenoxadol.            | (37) Phenoperidine.         |
| (17) Dimepheptanol.          | (38) Piritramide.           |
| (18) Dimethylthiambutene.    | (39) Prohepatazine.         |
| (19) Dioxaphetylbutyrate.    | (40) Properidine.           |
| (20) Dipipanone.             | (41) Racemoramide.          |
| (21) Ethylmethylthiambutene. | (42) Trimeperidine.         |

b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- |                            |                      |
|----------------------------|----------------------|
| (1) Acetorphine.           | (6) Cyprenorphine.   |
| (2) Acetyldihydrocodeine.  | (7) Desomorphine.    |
| (3) Benzylmorphine.        | (8) Dihydromorphine. |
| (4) Codeine methylbromide. | (9) Etorphine.       |
| (5) Codeine-N-Oxide.       | (10) Heroin.         |

---

<sup>1</sup> Revised schedules are published in the Code of Federal Regulations, Part 1308 of Title 21. Food and Drug

- |                                |                    |
|--------------------------------|--------------------|
| (11) Hydromorphinol.           | (17) Myrophine.    |
| (12) Methyldesorphine.         | (18) Nicocodeine.  |
| (13) Methylhydromorphine.      | (19) Nicomorphine. |
| (14) Morphine methylbromide.   | (20) Normorphine.  |
| (15) Morphine methylsulfonate. | (21) Pholcodine.   |
| (16) Morphine-N-Oxide.         | (22) Thebacon.     |

c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylaminde.
- (10) Marihuana.
- (11) Mescaline.
- (12) Peyote.
- (13) N-ethyl-3piperidyl benzilate.
- (14) N-methyl-3-piperidyl benzilate.
- (15) Psilocybin.
- (16) Psilocyn.
- (17) Tetrahydor cannabinoids.

## Schedule II

a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable, origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound mixture, or preparation which contains any quantity of the substances referred to in this paragraph.

b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, ester, ether, salts, and salts of isomers, ester, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alphaprodine.
- (2) Anileridine.
- (3) Besitramide.
- (4) Dihydrocodeine.
- (5) Diphenoxylate.
- (6) Fentanyl.
- (7) Isomethadone.
- (8) Levomethorphan.
- (9) Levorphanol.
- (10) Metazocine.
- (11) Methadone.
- (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (14) Pethidine.
- (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
- (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
- (17) Pethidine-Intermediate C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (18) Phenazocine.
- (19) Piminodine.
- (20) Racemethorphan.
- (21) Racemorphan.

c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

### **Schedule III**

a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- (2) Phenmetrazine and its salts.
- (3) Any substance (except an injectable liquid) which contains any quantity of ethamphetamine, including its salts, isomers, and salts of isomers.
- (4) Methylphenidate.

b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
- (2) Chorhexadol.
- (3) Glutethimide.
- (4) Lysergic acid.
- (5) Lysergic acid amide.
- (6) Methypylon.
- (7) Phencyclidine.
- (8) Sulfondiethylmethane.
- (9) Sulfonethylmethane.
- (10) Sulfonmethane.

c) Nalorphine.

d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- (1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
- (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
- (4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.



e) Anabolic steroids.

**Schedule IV**

- |                      |                          |
|----------------------|--------------------------|
| (1) Barbitol.        | (7) Meprobamate.         |
| (2) Chloral betaine. | (8) Methylphenobarbital. |
| (3) Chloral hydrate. | (9) Paraldehyde.         |
| (4) Ethchlorvynol.   | (10) Petrichloral.       |
| (5) Ethinamate.      | (11) Phenobarbital.      |
| (6) Methohexital.    |                          |

**Schedule V**

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

d) Repealed. Pub. L. 98-473. Title II. §509(b). 98 Stat. 2072. (Oct. 12. 1984).

**Appendix 7J**  
**FUNCTIONAL BEHAVIORAL ASSESSMENT/  
BEHAVIORAL INTERVENTION PLAN**  
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**Appendix 7J**  
**FUNCTIONAL BEHAVIORAL ASSESSMENT/  
BEHAVIORAL INTERVENTION PLAN**

**Section 1. Introduction**

The purpose of this appendix is to define and describe the components of both a functional behavioral assessment and a behavioral intervention plan as part of a positive behavioral support process to be used by school personnel. These terms are referred to in the *Idaho Special Education Manual* in sections that address behavior problems interfering with the student's learning or that of others in the educational environment. See Chapter 4, Section 3, page 75 and Chapter 7, Section 13, page 144. The information included in this appendix provides an overview of some strategies and techniques, but it does not advocate one philosophy over another nor will it be sufficient in providing educators all the technical assistance that may be needed.

When dealing with behavior issues of students with disabilities, it is the responsibility of all educators involved in IEP teams to be knowledgeable about the components in this appendix. Everyone shares in the responsibility of considering positive behavioral supports if student behavior needs are to be addressed. The demand to collaborate with all relevant personnel has increased in recent years in order to resolve student behavior problems that seem to interfere with academic progress in the general education curriculum and the provision FAPE. Information about who participates on an IEP team and the roles of the IEP team members can be found in Appendix 4A, page A-59.

Information from a functional behavioral assessment may be needed to understand why problem behavior occurs and sometimes continues to occur. A functional behavioral assessment may be needed for an initial evaluation or a reevaluation of a student, during the development or review of an individualized education program (IEP), or as part of disciplinary procedures. While conducting a functional behavioral assessment, it will be important to document any information regarding intervention strategies or teaching methods that have already been tried and whether there was ever a positive or negative impact upon the behavior. Other information that may also affect student behavior, such as environmental or medical factors, needs to be gathered. Finally, it is sometimes the response of others that paints the picture of why student behavior is occurring. Refer to Attachment B on page A-225 for a list of assessment resources that can be used for collecting information about why behavior exists or persists.

Based on the results of a functional behavioral assessment, a behavioral intervention plan is developed and incorporated in or attached to the IEP, when appropriate. The plan must consist of positive intervention strategies and supports to address the behavior and needs of the student. A behavioral intervention plan can be very effective in reducing the need for such extreme disciplinary measures such as suspension or expulsion. Refer to Attachment D on page A-235 for some ideas on positive support strategies.

A functional behavioral assessment and behavioral intervention plan are also a part of the legal requirements to follow when removing a student with a disability from his or her current educational placement. When disciplinary actions are taken that result in the removal of a student with a disability for more than 10 cumulative school days or a change of educational placement occurs, as defined by the IDEA, the IEP team must review all evaluation and diagnostic results pertaining to the student. During this review, the IEP team must either plan to conduct a functional behavioral assessment and develop a behavioral intervention plan or determine if a student's current behavioral intervention plan needs modifications.

Conducting a functional behavioral assessment and/or developing a behavioral intervention plan can be fairly simple or quite complicated depending upon the specific concerns of the student being addressed. However, there are basic components regardless of the situation. These basic components are described further in the following sections.

## **Section 2. Functional Behavioral Assessment**

### **A. Definition**

A functional behavioral assessment is a process for gathering and recording information that can be used to develop a theory about why behavior occurs or recurs. A thorough assessment can maximize the effectiveness and efficiency of a behavioral intervention plan.

### **B. Five Components and Outcomes**

A functional behavioral assessment has five problem-solving components with clearly defined outcomes that require educators to be observant and to consider the world from the student's perspective. The five problem-solving components in a behavioral assessment require evaluators to (1) define the problem, (2) identify specific events, situations, and times, (3) gather other relevant information, (4) identify consequences maintaining behavior, and (5) develop a theory. This appendix includes assessment resources in Attachment B on page A-225 that can be acquired and used to collect specific information about a student's behavior. Sample forms in Attachment A on page A-215 have also been provided in this appendix and may be used with each component to document the five outcomes in the process.

The five components of the process and intended outcomes are described as follows:

1. **Define the problem** in clear, observable terms so it is recognizable to everyone and not subject to confusing interpretations. Avoid vague words and ask yourself, "What is the problem?" "What does the behavior look like?" If there are several problems, decide where to start. The sample form on page A-217 for component 1, *Define the Problem*, may be used by evaluators to record the written description of the target behavior.

Outcome: A clear written description of the problem behavior.

2. **Identify specific events, times, and situations** in order to look for patterns that will indicate what appears to set off the problem behavior. An Antecedent-Behavior-Consequence (A-B-C) observation may be useful to record data at this point. Other assessment methods such as interviews or checklists can also provide necessary data. Answer key questions that consider when the behavior usually occurs and usually does not occur, such as, “Who is there?” “What is going on at the time?” “What happened prior to the behavior?” and “When and where does it happen?” The sample form on page A-218 for component 2, *Identify Events, Times, and Situations*, may be used to help summarize the specific data collected from interviews, record reviews, checklists, observations, or systematic probes in the classroom.

Outcome: The ability to predict when the problem behaviors are most likely and least likely to occur across the range of typical daily routines.

3. **Gather background information** to consider medical, physical, and social concerns; eating, diet, and sleep routines; substance abuse history; stressful events; and past interventions extending back several years. Issues may be revealed that have contributed to the occurrence of the behavior. The sample form on page A-219 for component 3, *Gather Information*, may be used to record the information about important events or factors that tend to be associated with the problem behavior.

Outcome: Specific biological, physiological, or environmental factors that have a causal effect on the behavior may surface.

4. **Identify the consequences** that might be maintaining the behavior. This includes information about what happens after the behavior occurs that increases the likelihood that the student will perform the behavior again in the same circumstances. Identifying the consequences also means defining what the desired behavior was and examining the availability of reinforcement for that desired behavior. The sample form on page A-220 for component 4, *Identify Consequences Maintaining the Behavior*, may be used to record what happens after the behavior occurs and how the consequences work for the student.

Outcome: Determination of what function the problem behavior appears to serve for the student and an initial identification of some potential strategies and interventions.

5. **Develop a theory** about what purpose the behavior has for the student. This would include one or more summary statements as to why the student engages in the problem behavior. Ask yourself, “What is the functional intent of the student’s behavior?” The sample form on page A-221 for component 5, *Develop a Theory*, may be used in describing the purpose or function of the behavior.

Outcome: One or more hypotheses that describe specific behaviors, the situations in which they occur, and the consequences maintaining the behaviors in that situation.

The information gathered through this five-step process can be compiled on the *Functional Behavioral Assessment Summary* form on page A-222.

### C. Process

The complexity of the five components in the functional behavioral assessment process will vary depending on the student and possible controlling factors or variables. Research on functional behavioral assessments indicates that no one method or assessment tool will provide all the outcomes mentioned and give valid, reliable results all the time. Therefore, a functional behavioral assessment could consist of assessment methods selected from a continuum of options ranging from low effort and precision to high effort and precision.

Low effort/precision				High effort/precision
Interviews/ record review	Teacher-recorded observations	Direct observations/ checklists by others	Other systematic probes in the classroom with direct observations	Assessment with direct experimental manipulation of variables in other settings

When IEP team members collaborate in a problem-solving approach, they can determine which of these assessment methods may be sufficient in gathering and recording information to develop a theory about the function of a particular behavior. The IEP team members should combine their knowledge and identify the method(s) that will most likely clarify the factors or variables that affect the student's behavior. This may mean that evaluators begin with the lowest level of assessment methods and increase efforts gradually in order to arrive at an analysis that identifies the factors or variables influencing the behavior and that can be changed to produce socially accepted outcomes.

The result of a functional behavioral assessment is that (1) the problem has been clearly defined, (2) relevant background information becomes clear, (3) behavior patterns have emerged, (4) the function of the behavior becomes apparent, and (5) the IEP team has enough information to begin discussing strategies to include in a behavioral intervention plan. The assessment process is repeated as necessary until a positive behavioral change has been sustained over time.

## Section 3. Behavioral Intervention Plan

### A. Definition

A behavioral intervention plan is comprised of practical and specific strategies designed to increase or reduce a definable set or pattern of behaviors exhibited by a student. These strategies include preventive techniques, teaching replacement behaviors or specific skills, and how to respond to the behavior of concern (refer to Attachment D on page A-235 in this appendix for a list of specific ideas).

**B. Components of a Behavioral Intervention Plan**

A behavioral intervention plan also involves components of a problem-solving approach. Sample forms in Attachment C on page A-229 may be used in writing a behavioral intervention plan and for the entire process. Research has indicated that an effective intervention plan must include the following:

1. Definition of the target behavior in measurable terms.
2. Plan of prevention that will change identified events, times, situations, or other factors that trigger the target behavior.
3. Plan to teach the student another behavior or skill that will compete with the misbehavior, and can accomplish the student's purpose with just as much immediacy and effort but in a more acceptable way.
4. How to respond to the student's behavior in a way that will reinforce appropriate behavior. The IEP team should identify reactions and consequences to the problem behaviors that will not reinforce the student's inappropriate purpose (function) or cause others greater upset and stress.
5. How to manage a crisis situation, if appropriate. (See Attachment E on page A-241 for crisis management guidelines.)
6. Appropriate data collection system that measures progress toward the desired goal of the plan so that if the rate of progress falls below the expectation, interventions can be changed.
7. Review date to reconsider the plan.

The sample form *Behavioral Intervention Plan*, located in Attachment C on pages A-231 and A-232 of this appendix, may be used or be written into an IEP with the corresponding goals and benchmarks/objectives.

**C. Additional Considerations in the Behavioral Intervention Plan Process**

1. Prior to implementing a behavioral intervention plan, all staff who have a responsibility in the plan must be trained to implement the plan consistently. A timeline for collecting necessary materials, making environmental arrangements, and training staff needs to be established. Specific tasks should be clearly assigned to the individuals involved. Decide how to start the intervention plan and whether it should be implemented in one portion of the student's day or throughout the entire day. Sometimes, implementation in one portion of the day may allow staff to control some of the variables and monitor the effectiveness or changes during that particular time before trying the supports throughout the day. The sample form on page A-233 in Attachment C, *Implementation*



*of the Behavioral Intervention Plan*, may be used to assist the IEP team in recording what needs to occur before the plan begins.

2. Implement the plan consistently by the staff involved in the intervention plan and ensure staff are informed of their responsibilities in providing services to the student.
3. Reconsider the plan. Give the plan at least two weeks to start to work and then ask, "How is it going?" At this point, evaluate (a) how successful personnel were in implementing the plan consistently and correctly; and (b) how successful the plan was in preventing the target problem behavior or increasing new appropriate behaviors. The sample form on page A-234 in Attachment C, *Reconsidering the Behavioral Intervention Plan*, may be used to help the IEP team record the successes and areas of difficulties in the behavioral intervention plan after it has been implemented.
4. If the procedures and steps that have been taken are determined ineffective, alternative interventions may be selected or the IEP team may consider conducting further assessments to gain more precise information. Sometimes other factors may actually be affecting the occurrence of the problem behavior.
5. If interventions are repeatedly found to be ineffective, decide if the conditions of the intervention plan were consistent or if a different placement may be needed. Think of changes in a behavioral intervention plan as fine-tuning rather than major failures.

#### **D. The Use of Extraordinary or Aversive Discipline Procedures**

Nonaversive, low-level interventions always need to be the first option in managing student behavior. It is critical that aversive discipline management procedures be selected and supervised with the utmost care. These procedures may include seclusionary timeouts, physical restraints, room clears, etc. If any extraordinary procedures are required, they will be considered by the IEP team (including the parent), which must:

1. document the validity of the procedure;
2. document the need for the procedure with objective data; and
3. document the training of the staff who will use the procedure.

### **Section 4. Manifestation Determination**

Whenever a change of educational placement as a result of disciplinary action is contemplated or occurs, the IEP team needs to conduct a manifestation determination that is a review of the relationship between the student's disability and the behavior resulting in the disciplinary action. The IEP team must determine whether (1) the student's IEP and placement were appropriate in relation to the behavior, (2) the special education services, supplementary aids and services, and behavioral intervention strategies consistent with the IEP were provided, (3) the student had the

ability to understand the impact and consequences of the behavior, and (4) the student had the ability to control his or her behavior.

### 1. Functional Behavioral Assessment Results

Either before or not later than 10 days after the decision to make an educational placement change, a functional behavioral assessment must be planned if one has not been conducted and there is no behavioral intervention plan to review. The results will be critical for the IEP team to consider when carrying out a review in a manifestation determination.

### 2. Results of Eligibility Evaluations or Reevaluations

It is important that during any evaluation, the assessment tools and strategies used should be providing relevant information that will determine all the needs of the student, not just those that are commonly linked with the disability category in which the student has been classified. If a thorough assessment (which may include a functional behavioral assessment) has been conducted, a manifestation determination review will be easier to conduct.

### 3. Special Considerations by the IEP Team

During the development of any IEP, the IEP team should have considered behavior that impedes the student's learning, and that of others, and to have had positive intervention strategies and supports to address that behavior when appropriate. If a behavioral intervention plan in an IEP has been well implemented, then a manifestation determination is likely to be easier for the IEP team.

## Section 5. Technical Assistance

The information contained herein is a minimal presentation on positive behavioral supports including functional behavioral assessments and a behavioral intervention plan. For more information, contact your regional special education consultant:

North:	208/667-2588	Coeur d'Alene
	208/885-9060	Moscow
Southeast:	208/282-3610	Pocatello
Southwest:	208/426-4315	Boise
	208/426-4397	Boise



**Attachment A**  
**Sample Functional Behavioral Assessment Forms**

Component 1: Define the Problem .....	A-217
Component 2: Identify Events, Times, and Situations .....	A-218
Component 3: Gather Information.....	A-219
Component 4: Identify Consequences Maintaining the Behavior .....	A-220
Component 5: Develop a Theory.....	A-221
Functional Behavioral Assessment Summary .....	A-222



## Functional Behavioral Assessment Component 1: Define the Problem

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Describe the problem behavior in observable terms. Be as specific as possible. Indicate how serious each problem is (destructive, disruptive, or distracting). Decide which behavior(s) you will begin to gather information on first in order to design a behavioral intervention plan.

Description of Problem Behavior	Level of Seriousness
1. _____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Destructive <input type="checkbox"/> Disruptive <input type="checkbox"/> Distracting
2. _____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Destructive <input type="checkbox"/> Disruptive <input type="checkbox"/> Distracting
3. _____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Destructive <input type="checkbox"/> Disruptive <input type="checkbox"/> Distracting
4. _____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Destructive <input type="checkbox"/> Disruptive <input type="checkbox"/> Distracting

## Functional Behavioral Assessment Component 2: Identify Events, Times, and Situations

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Target Behavior: \_\_\_\_\_

Answer these key questions in measurable terms using specific data gathered from all the assessment tools used by the evaluation team. Patterns of behavior may emerge as you answer the questions. Be as specific as possible. General data and information will not assist the IEP team in developing an effective behavioral intervention plan.

### Who is present . . .

when the behavior tends to occur?

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when the behavior almost never occurs?

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### What is going on . . .

when the behavior tends to occur?

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when the behavior almost never occurs?

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### When does the behavior . . .

tend to occur?

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almost never occur?

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### Where does the behavior . . .

tend to occur?

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almost never occur?

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### How often does the behavior occur . . .

Per hour? \_\_\_\_\_ Per day? \_\_\_\_\_ Per week? \_\_\_\_\_

### How long does the behavior occur . . .

Per episode \_\_\_\_\_

### **Functional Behavioral Assessment Component 3: Gather Information**

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Consider the following factors and record any relevant information that has or may have an impact on the student's behavior. Information can be gathered from interviews or record reviews.

1. Medical, physical, and social concerns (such as medications, illnesses, disfigurements, allergies, lack of friends, inappropriate sexual contacts)
  
  
  
  
  
  
  
  
  
  
2. Eating, diet, and sleep routines
  
  
  
  
  
  
  
  
  
  
3. Substance abuse history (types, frequency of use, when and where use occurs, legal problems related to abuse, recent increase or decrease in use)
  
  
  
  
  
  
  
  
  
  
4. Stressful events and family history (family information, siblings, difficult transitions, emotional losses, etc.)



## Functional Behavioral Assessment Component 4: Identify Consequences Maintaining the Behavior

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Target Behavior: \_\_\_\_\_

*Answer these key questions regarding what happens after the behavior occurs. Be specific using data collected about consequences. General responses do not assist in the development of an effective behavioral intervention plan.*

### What are the reactions . . .

of other people in the environment?

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of the student toward the other people?

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### When the behavior occurs, what do . . .

Teachers do?

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Peers do?

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Parents do?

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### What consequence methods have been used . . .

in the past at school and how did they work?

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at home and how did they work?

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### What seems to improve the behavior . . .

in a short period of time?

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if all else fails?

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## Functional Behavioral Assessment Component 5: Develop a Theory

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Target Behavior: \_\_\_\_\_

Use the assessment information collected about the behavior and decide what purpose or function it has for the student. The following checklist may be helpful in developing a theory. Write a theory statement at the bottom.

### Determining the Purpose of a Problem Behavior

**N    S    O**

N = Never

S = Sometimes

O = Often

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
|                          |                          |                          | The purpose of the behavior may be <b>Attention</b> if . . .  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when you are not paying attention to the student (e.g., you are talking to someone else in the room, talking on the phone, too busy to have a chat, etc.).  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when you stop paying attention to the student.  |
|                          |                          |                          |   |
|                          |                          |                          | The purpose of the behavior may be to <b>Get/Obtain Something</b> if . . .  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when you take away a favorite activity, food, toy, free time, etc.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It stops soon after you give the student what he or she seems to want or has recently requested.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when the student can't have what he or she desires.   |
|                          |                          |                          |   |
|                          |                          |                          | The purpose of the behavior may be <b>Escape/Avoidance</b> if . . .   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when you ask the student to do something (e.g., getting ready to change activities, write assignments, speak in front of peers, read in class) that he or she doesn't seem to like or want to do. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It stops after you stop "making demands."   |
|                          |                          |                          |   |
|                          |                          |                          | The purpose of the behavior may be <b>Play</b> if . . .   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs over and over again in a cyclical manner with friends or peers.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It occurs when no else is around or the student seems to enjoy performing the behavior (e.g., smiles, laughs).  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The student seems to be in his or her "own world" and can't do other things at the same time.   |
|                          |                          |                          |   |
|                          |                          |                          | The purpose of the behavior may be <b>Self-Stimulation</b> if . . .   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It tends to be performed over and over again, in a rhythmic or cyclical manner.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It tends to happen when there is either a lot going on or very little (e.g., noise, movement, people, activity).  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The student can still do other things at the same time as performing the behavior.  |
|                          |                          |                          |   |
|                          |                          |                          | The purpose of the behavior may be <b>Control/Power</b> if . . .  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The student tends to be bossy.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The student wants to show others he or she can't be pushed around.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The student often refuses to comply and seems to want to disrupt the established order.   |

The main purpose or function of the behavior is . . .

\*Adapted from Durand & Crimmins, 1988.

## Functional Behavioral Assessment Summary

Student's Name: \_\_\_\_\_  
Birth date: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_

**Behavior:** What is the inappropriate or unacceptable behavior to be targeted for intervention. Be specific. Give examples.

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**Events, Times, and Situations:** What specific events trigger the behavior? Include who, what, when, where, and how often information obtained from interviews, observations, assessments, or record reviews.

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**Relevant Information:** What circumstances make the behavior more likely to occur (medical concerns, diet and sleep routines, substance abuse, family history, emotional losses or social concerns, etc?)

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**Consequences:** What responses or reactions occur after the behavior that appear to maintain the behavior?

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What responses or reactions occur that appear to diminish/discourage the behavior?

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**Function of the Behavior:** To gain/obtain or escape/avoid something are the most common reasons. (Consider reasons related to attention, acceptance or affiliation, power and control, self-stimulation, self-expression, justice or revenge, a means of communication, etc.)

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**Hypothesis Statement:** For example: “On mornings when Marty misses breakfast (condition) and rides the bus for an hour (condition), he becomes angry (internal event) when his peers tease him (precipitating event). He starts to hit (behavior) students who are teasing him and says abusive words (behavior), and then they stop to tell an adult about his behavior (consequence). Escaping the teasing appears to be the purpose of the behavior.”

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**Predictions:** Statements answering the question, “What might happen if . . .?” Brainstorm possible solutions to prevent the behavior, teach new skills, or use positive or negative responses. For example:

- “If Marty eats breakfast, he will not react to the teasing by hitting other students.”
- “If Marty is taught a way to respond to teasing and control is anger, hitting will not occur.”
- “If Marty receives positive rewards for days he does not hit others, the hitting will stop.”

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Select one or more of the predictions to test the hypotheses. Develop a behavioral intervention plan. Provide ongoing support to the person(s) implementing the plan. Use the data collected during implementation of the plan in the functional behavioral assessment over time.



## **Attachment B**

### **Assessment Resources**

**Title:           Functional Assessment Observation Form**

**Purpose:**       To validate and clarify summary statements about events that predict and maintain problem behaviors. If informant methods fail to provide clear and helpful information, direct observation data will be the basis for the summary statements or hypotheses to guide development of the support plan.

**Description:**   The form is a simple, straightforward event recording procedure that maximizes the comprehensive information obtained, while avoiding lengthy anecdotal descriptions. This form can be used in multiple settings to record behaviors exhibited at a low to moderate frequency (fewer than 20 times per day). It is recommended that a time sampling approach be used (15-minute block in a one hour period). Data is collected over a period of 2 to 5 days by someone familiar with the student. The form indicates (1) the number of events of problem behavior, (2) the problem behaviors that occur together, (3) the times when the problem behavior events are most and least likely to occur, (4) events that predict problem behavior events, (5) perceptions about the maintaining function for problem behaviors, and (6) actual consequences following problem-behavior events.

**Source:**       O'Neill, R. E., Horner, R. H., Albin, R. W., Sprague, J. R., Storey, K., & Newton, J. S. (1997). *Functional assessment and program development for problem behavior*. (pp. 35-54) . Pacific Grove, CA: Brooks/Cole Publishing.

**Ordering:**     Brooks/Cole Publishing Company  
511 Forest Lodge Road  
Pacific Grove, CA 93950-9968  
408/373-0728

**Title:           Motivation Assessment Scale**

**Purpose:**       The scale is a questionnaire designed to identify situations in which a student is likely to behave in certain ways. This information can inform decisions concerning the selection of appropriate rewards and treatments.

**Description:**   Informants are asked to rate the likelihood of behaviors occurring in different antecedent conditions. The data is then analyzed to identify the maintaining variables. The scale contains 16 brief descriptions of behavior in the form of questions. The informant responds to each description on a continuum from "never occurring" to "always occurring." Responses are scored to determine if the behavior is being reinforced by sensory stimulation, escape from an undesirable situation, attention, or some tangible reinforcer.

Source: Durand, M., & Crimmins, D. (1992). *Motivation assessment scale*. Glenview, IL: Monaco and Associates.

Ordering: Monaco & Associates  
1625 Blackthorn Drive  
Glenview, IL 60025  
800/798-1309

**Title: Functional Assessment Interview Form**

Purpose: To collect information about events that influence problem behavior in order to identify those variables—settings, events, activities—that can be targeted through direct observation and/or systematic manipulation strategies.

Description: The informants are teachers, parents, and others who have direct daily contact with the subject. The four main outcomes of a functional assessment interview are similar to the outcomes for the functional assessment process as a whole:

1. description of the behavior of concern;
2. identification of general and more immediate physical and environmental factors that predict the occurrence and nonoccurrence of the problem behaviors;
3. identification of the potential function of a behavior in relation to the outcomes or consequences that are maintaining them; and
4. development of summary statements describing relationships among situations, behaviors, and their functions.

The process ends with the interviewer completing a *Summary Statement* form, which identifies the predictor and consequences for the problem behavior.

Source: O'Neill, R. E., Horner, R. H., Albin, R. W., Sprague, J. R., Storey, K., & Newton, J. S. (1997). *Functional assessment and program development for problem behavior*. (pp. 9-16). Pacific Grove, CA: Brooks/Cole Publishing.

Ordering: Brooks/Cole Publishing Company  
511 Forest Lodge Road  
Pacific Grove, CA 93950-9968  
408/373-072

**Title: Student-Directed Functional Assessment Interview**

**Purpose:** To gain the student's perspective on circumstances related to the problem behavior.

**Description:** A 20 to 40 minute interview is conducted with students who can provide reliable information. The interviewer should be someone who does not have a negative history with the subject. The main outcome of the interview corresponds to those of a functional behavioral assessment. The process ends with the interviewer completing a *Summary Statement* form, which results in the development of specific hypotheses about the function of the behavior.

**Source:** O'Neill, R. E., Horner, R. H., Albin, R. W., Sprague, J. R., Storey, K. & Newton, J. S. (1997). *Functional assessment and program development for problem behavior*. (pp. 17-35). Pacific Grove, CA: Brooks/Cole Publishing.

**Ordering:** Brooks/Cole Publishing Company  
511 Forest Lodge Road  
Pacific Grove, CA 93950-9968  
408/373-0728

**Title: Problem Behavior Questionnaire**

**Purpose:** A teacher-based questionnaire to help develop a functional hypothesis of problem behavior in general education classrooms.

**Description:** A 7-point Likert scale (0-6) ranging from never to always. Informants briefly identify the problem behavior and then answer 15 questions by indicating the frequency at which statements are true, keeping in mind a typical episode of the problem behavior.

**Source:** Lewis, J., Scott, T., & Sugai, G. (1994). The problem behavior questionnaire: A teacher-based instrument to develop functional hypotheses of problem behavior in general education classrooms. *Diagnostic 19* (2-3), 103-115.

**Ordering:** Not copyrighted  
Interview guide located in the journal,  
*Diagnostic 19* (2-3), 103-115

**Title: Interaction Observation Form**

**Purpose:** Records observational data by an observer who rates frequency, intensity, and duration of the identified behaviors.



Description: The observer identifies the focus student and records staff requests, positive interactions, negative interactions, inappropriate behavior, and appropriate information. Observers rate frequency and severity of behaviors, including setting information. The form is generally designed for students with severe behavior difficulties related to a disability.

Source: Dual Diagnosis Treatment and Training Services

Ordering: Not copyrighted  
Dual Diagnosis Treatment and Training Services  
PO Box 738  
Parsons, KS 67357-0738

**Title: Student-Assisted Functional Assessment Interview**

Purpose: To gain the subject's perspective on likes and dislikes about school and problems that may be occurring.

Description: The interview guide consists of four sections. Students answer 12 questions on a Likert scale (always, sometimes, never), then are asked questions about likes, interests, and hobbies. The final two sections rate their interest in school subjects and what they like and dislike about those subjects. The interviewer should be someone who does not have a negative history with the subject.

Source: Kern, L., Dunlap, G., Clarke, S., & Childs, K. (1994). Student-assisted functional assessment interview. *Diagnostic* 19 (2-3), 29-39.

Ordering: Not copyrighted  
Interview guide located in the journal,  
*Diagnostic* 19 (2-3), 29-39

**Attachment C**  
**Sample Behavioral Intervention Plan Forms**

Behavioral Intervention Plan .....	A-231
Implementation of the Behavioral Intervention Plan.....	A-233
Reconsidering the Behavioral Intervention Plan .....	A-234



## Behavioral Intervention Plan

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

Target Behavior (State in observable terms, using action verbs, and identify the data collection system to measure progress):

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### Develop a Plan

Prevention: How will situations be changed that seem to be associated with the behavior?

Teach: What other behavior or skill will be taught to the student so he or she can accomplish his or her purpose in a more acceptable way?

Response: How will people respond when the problem behavior occurs so that their response does not reinforce the inappropriate behavior or cause the person interacting with the student greater upset and stress?

Prevention	Who is Responsible	How Often	Method for Monitoring Progress

Teach	Who is Responsible	How Often	Method for Monitoring Progress

Response/Crisis Management	Who is Responsible	How Often	Method for Monitoring Progress

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Target Behavior: \_\_\_\_\_

## Implementation of the Behavioral Intervention Plan

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

Describe arrangements needed to implement the behavioral intervention plan.

Timeline for the plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Training needs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Materials needed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Environmental arrangements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person Responsible	Task	Date to Initiate/Complete
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## Reconsidering the Behavioral Intervention Plan

Student Name: \_\_\_\_\_ Review Date: \_\_\_\_\_

At this point, evaluate the implementation and effectiveness of the plan.

**Has everyone been able to follow the plan that was written . . .**

For preventing:

For teaching:

For responding:

For crisis management:

**Do you feel that the theory about the purpose of the behavior was correct?**

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**What positive changes have you seen?** \_\_\_\_\_

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**What areas of the plan need to be continued?** \_\_\_\_\_

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**What areas of the plan need to be changed?** \_\_\_\_\_

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**Attachment D**  
**Strategies for Behavioral Support Plans**

<b>Preventative</b>	<b>Teaching Behaviors</b>	<b>Responses</b>
Adult supervision	Direct instruction of behavioral skills	5-10 second compliance-time window
Appropriate and motivating curriculum	Functional communication training	Behavioral contracting
Assistive technology devices or services	Meaningful work projects	Differential attention
Behavioral momentum	Modeling of appropriate behavior	Group contingency
Collection of behavioral data	Momentum training with relaxation strategies	High rate of positive responses with a 4:1 ratio
Environmental engineering	Over-correction for positive practice	In-school suspension
Increased academic learning time	Self-management	Notes home
Instructional pacing	Social skills training	Parent conference
Peer involvement & influence	“Sure I will” program	Response cost lottery
Polite command statements	Technology device instruction	Seclusionary timeout
Precision requests		Structured incentives <ul style="list-style-type: none"> <li>- material reinforcers</li> <li>- social reinforcers</li> <li>- edible reinforcers</li> <li>- natural reinforcers</li> </ul>
Prompting		Token economy system
Proximity		Verbal, social praise
Quiet start requests		“What if?” chart
Short, planned activities for transition time		
Staff training		
Structured daily schedule for on-task activities		



## **Descriptions/Definitions of Behavioral Support Strategies**

### **5-10 second compliance-time window**

After a request is made, allow the student a 5-10 second time window to follow through with compliance.

### **Appropriate and motivating curriculum**

A curriculum too difficult or easy is likely to increase inappropriate behavior. An appropriate curriculum provides a student with success but is challenging enough to elicit progress. Interests, learning styles, multiple intelligences, and preferences are considered.

### **Assistive technology devices and services**

Consider the need for assistive equipment that elicits success and motivation.

### **Behavioral contracting**

Written documents are mutually agreed on between a student and a teacher specifying expected behaviors and consequences.

### **Behavioral momentum**

Student is given a series of high-compliance requests before a low-probability compliance request.

### **Data collection**

Collecting information about what triggers inappropriate behaviors and then making decisions based on data

### **Differential attention**

The teacher differentially (separately) pays attention to appropriate behavior and ignores inappropriate behavior. One way is to ignore the misbehavior, wait, and then praise any appropriate behavior. A second approach is to ignore the misbehavior of a student and praise a student nearby for the appropriate behavior.

### **Direct instruction of basic skills and/or social skills**

An instructional approach that emphasizes the use of group instruction and face-to-face instruction by teachers or aides using carefully sequenced lessons. There are specific characteristics: presentations are scripted and fast paced, skills are taught to mastery, motivation is maintained by praise and encouragement, and when students make errors, correction is immediate, using specific correction procedures.

### **Environmental engineering**

Arrangement or manipulation of the physical environment and stimuli can facilitate appropriate responses and avoid disruption.

**Functional communication training**

Appropriate forms of communication can serve to replace problem behavior that has become a means of communication for a student. Communicative responses to serve as alternatives to the inappropriate behavior are developed, such as asking for a break instead of trying to escape a difficult task.

**Group contingency**

A system for the delivery of a reward to an entire group based on the behavior of the individuals in that group. There are three basic types of group contingencies: (1) individual-all group contingency, (2) independent-group contingency, and (3) group-all group contingency.

**High rate of positive responses from teachers**

Teachers must create a positive environment by frequently reinforcing a student for appropriate and correct responses. A 4:1 ratio of positive to negative responses is recommended.

**Home notes**

The purpose of home notes is to provide clear, precise communication between school and home.

**In-school suspension**

An alternative to out-of-school suspension designed to deny a student the opportunity to receive the positive reinforcement available in the regular school setting for a fixed period of time.

**Increased academic learning time**

The amount of time the student is actually engaged in and experiencing success is increased. The time must be spent on learning essential skills and not on meaningless tasks. Teachers should try to achieve a level of academic learning time of no less than 70 percent. Variables that can be addressed are beginning on time, minimizing housekeeping tasks, and minimizing transition times.

**Instructional pacing**

If the rate at which the teacher presents instructional material to the learner is too fast or too slow, inappropriate behavior is likely to increase.

**Meaningful work projects**

Students participate in a “jobs program” within the school in which they are viewed as valuable, contributing employees of the school.

**Modeling/differential reinforcement of appropriate behavior**

A student learns behavior by observing a modeled response or practicing the desired behavior.

**Momentum training with relaxation strategies**

Teachers use a series of requests related to relaxation. Requests to use deep breathing, muscle tension-relaxation cycles, or stretching can be incorporated into direct instruction and a momentum routine.

**Over correction for positive practice**

Students intensely practice the appropriate behavior for a time period or a specific number of appropriate behaviors.

**Parent conference**

Parent must be involved in the problem resolution.

**Peer involvement**

The use of same-age and/or cross-age peers for structured social engagements, and as “buddies.”

**Planned activities for transition time**

Provide the structure for a student to close one activity and to do what is necessary before initiating the next one. Allowing students to assist in everyday housekeeping tasks that are necessary can be helpful.

**Polite command statements**

Phrase a request as a polite command statement instead of using a question format, such as “Please start your math paper,” instead of “Wouldn’t you like to start your math paper?”

**Precision commands**

Precise verbal statements enhance compliance.

**Precision requests**

Make a clear, concise statement to a student to prompt appropriate behaviors or to stop inappropriate behaviors. When a request is followed, a social reinforcer is used. When the request is not followed, a mild pre-planned negative consequence is used. If a negative consequence is delivered, repeat the request cycle until the student follows the request.

**Prompting**

A visual, auditory, or physical cue is presented to a student to facilitate a given response.

**Proximity**

A request or reprimand should be made at approximately three feet or arm’s length. Randomly walking around the room to stand near a student with problem behavior actually prevents the inappropriate behavior from occurring.

**Quiet start requests**

Make a quiet request to start a task or change a behavior, so the rest of the class is not disturbed. A low voice, a written note, or visual prompts can be effective in gaining compliance.

**Response cost lottery**

A response cost is a system in which the student loses something he or she has. A lottery means that the teacher gives each student five or more tickets with his or her name on it. If a student breaks a rule or does not follow a request, a ticket is taken away. At the end of the day, the tickets are collected from all students and three or four names are drawn to receive a reward.

**Seclusionary timeout**

Timeout is not a place; rather, it is a procedure whereby a student is removed from a reinforcing environment to a less reinforcing environment in a special place when misbehavior occurs. The room must be a room with no other purpose. A student must never be left unattended by a staff member in the room.

**Self-management procedures**

Student is taught how to monitor and manage his or her own behavior.

**Social skills training**

Instruction that focuses on skills such as social problem solving, cooperative play and work, turn-taking, and conversational skills. This instruction could be provided individually or in a group format.

**Staff training**

All staff must be thoroughly trained in the use of the interventions and the importance of data collection while using behavioral intervention strategies.

**Structured incentives**

A positive reinforcer is given to a student contingent on his or her appropriate behavior. Careful selection and use of positive reinforcers are critical. Determine which of the four types of reinforcers will be of value and desired by the student, not what the teacher or parent thinks the student should value or desire. The four types of reinforcers are material, social, edible, and natural.

**Structured daily schedule for on-task activities**

Unengaged time is likely to accelerate a student's inappropriate behaviors. Preparing and using a visual cue for a daily schedule can maximize on-task behavior. Alternative methods, which use the auditory or tactile senses of a student, could also be used.

**Supervision**

School staff must provide adequate and appropriate supervision and use teachable moments.

**“Sure I will” program**

If a teacher asks a student to do something, the student is taught to respond with the words, “Sure I will” and begin the requested behavior. It helps if the student is randomly rewarded for saying “Sure I will.”

**Token economy**

A student is rewarded with tokens that can later be exchanged for reinforcers for behavior that is occurring.

**Verbal, social praise**

Any verbal or nonverbal action by a teacher or adult that indicates approval of or satisfaction with the student's behavior. Examples: "That's good working." "I appreciate your time on-task."

**"What if?" chart**

A chart that designs a hierarchy of positive and negative consequences that details how much or how long each consequence will be used. The negative consequences increase in severity as they go down the hierarchy

.

### Attachment E Crisis Management Guidelines

1. If an emergency situation occurs that requires the immediate use of crisis management procedures to protect the student or others from harm, staff must notify the student's parent within 24 hours. A written description of the situation must be submitted to the appropriate administrator within 24 hours for each emergency occurrence.
2. Emergency Definition:
  - a. **Danger to others:** physical violence toward others with sufficient force to cause bodily harm;
  - b. **Danger to self:** self-abuse of sufficient force to cause bodily harm; or
  - c. **Destruction of property:** severe destruction or physical abuse of property.

It must be noted that threatened abuse toward others, self, or property may be considered an "emergency" situation if there is sufficient evidence and likelihood that the threat will lead to any of the above-mentioned behaviors if immediate action is not taken.

**Further, if an "emergency" behavior occurs more than once per week, two times in a month, or a total of four times in a year, a behavioral intervention program must be designed or reconsidered to correct the problem behavior. Repeated emergency behavior must not be allowed to continue and must be addressed in the IEP.**

3. Trained Staff:

Emergency procedures must only be used by trained and competent staff. Training must occur before implementation of any extraordinary emergency procedures. All individuals should understand the procedures. A trained staff member should be within a reasonable proximity of the student to react with the intervention if necessary.

4. Emergency Intervention Strategies:

To deal with "emergency" behavior in an effective and humane manner, a range of alternative techniques, from the least intrusive to the most intrusive, may be necessary. One possible sequence of alternatives, from least to most intrusive, would begin with alterations of the environment and progress to redirection, seclusionary timeout, physical restraint and finally, law enforcement intervention. Indicate the specific intervention strategy that will be used, for example, Mandt procedures or room clears.



**References:**

The information in this appendix was adapted from the following resources:

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- Hamilton, R., Welkowitz, J., Mandeville, S., Prue, J., & Fox, T. *Prevention, teaching & responding: A planning team process for supporting students with emotional and behavioral difficulties in regular education*. Burlington, VT: The University Affiliated Program of Vermont.
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- Utah State Board of Education Special Education Rules. (1993). *LRBI: Selection of least restrictive behavioral interventions for use with students with disabilities*. Salt Lake City, UT: Author.





## Appendix 8

### Appendix Contents

Appendix 8A.	Dual Enrollment and Postsecondary Enrollment Options .....	A-247
Appendix 8B.	Idaho Constitution: Article IX .....	A-251

**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



**Appendix 8A****DUAL ENROLLMENT AND POSTSECONDARY ENROLLMENT OPTIONS****Title 33 - Education****Chapter 2 - Attendance at Schools**

33-203. DUAL ENROLLMENT. (1) The parent or guardian of a child of school age who is enrolled in a nonpublic school or a public charter school shall be allowed to enroll the student in a public school for dual enrollment purposes. The board of trustees of the school district shall adopt procedures governing enrollment pursuant to this section. If enrollment in a specific program reaches the maximum for the program, priority for enrollment shall be given to a student who is enrolled full time in the public noncharter school.

(2) Any student participating in dual enrollment may enter into any program in the public school available to other students subject to compliance with the same rules and requirements that apply to any student's participation in the activity.

(3) Any school district shall be allowed to include dual-enrolled nonpublic school and public charter school students for the purposes of state funding only to the extent of the student's participation in the public school programs.

(4) Oversight of academic standards relating to participation in nonacademic public school activities shall be the responsibility of the primary educational provider for that student. In order for any nonpublic school student or public charter school student to participate in nonacademic public school activities the nonpublic school or public charter school student shall achieve a minimum score on the achievement test required annually by the state board of education, and that score shall be used to determine eligibility for the following year. The student shall be eligible if the minimum composite test score places the student within the average or higher than average range as established by the test service utilized.

(5) A public school student who has been unable to maintain academic eligibility is ineligible to participate in nonacademic public school activities as a nonpublic school or public charter school student for the duration of the school year in which the student becomes academically ineligible and for the following academic year.

(6) A nonpublic school or public charter school student participating in nonacademic public school activities must reside within the attendance boundaries of the school for which the student participates.

(7) Dual enrollment shall include the option of joint enrollment in a regular public school and an alternative public school program. The state board of education shall establish rules that provide funding to school districts for each student who participates in both a regular public school program and an alternative public school program.

(8) Dual enrollment shall include the option of enrollment in a post-secondary institution. Any

credits earned from an accredited post-secondary institution shall be credited toward state board of education high school graduation requirements.

(9) A nonpublic student is any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or a home school.

**Title 33 - Education**  
**Chapter 51 - Postsecondary Enrollment Options (Excerpts)**

33-5101. PURPOSE. The purpose of this chapter is to promote rigorous academic pursuits and to provide a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll full-time or part-time in nonsectarian courses or programs in eligible postsecondary institutions as defined in section 33-5102, Idaho Code.

33-5106. LIMIT ON PARTICIPATION.

(3) A pupil may also be enrolled in courses for secondary credits approved by the local school district. If a pupil's enrollment pursuant to this chapter decreases the pupil's instructional time in the local school district to less than four (4) hours a day, the pupil shall nevertheless be counted as in local school district instructional time for four (4) hours a day for purposes of chapter 10, title 33, Idaho Code.

(4) A pupil who has completed course requirements for graduation but has not received a diploma may participate in the program.

(5) A pupil who has graduated from high school cannot participate in the program.

33-5108. COURSES ACCORDING TO AGREEMENTS. An eligible pupil may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution. All provisions of this section shall apply to a pupil, school board, school district and the governing body of a postsecondary institution, except as otherwise provided.

33-5109. CREDITS. (1) a pupil may enroll in a course under the provisions of this chapter for secondary credit, for postsecondary credit or for dual credit. At the time a pupil enrolls in a course, the pupil shall designate the type of credit desired. A pupil taking several courses may designate some for secondary credit, some for postsecondary credit and some for dual credit. (2) A school district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Four (4) semester college credits equal at least one (1) full year (two (2) semester credits) of high school credit in that subject. Fewer college credits may be prorated.

33-5110. FINANCIAL ARRANGEMENTS. (1) For a pupil enrolled in a course under the provisions of this chapter, the school district may make payments or partial payments according to the provisions of this section for courses that were taken for secondary credit. (2) The school district superintendent shall not make payments to a postsecondary institution for a course taken for postsecondary credit only. The district superintendent shall not make payments to a postsecondary institution for a course from which a student officially withdraws during the first fourteen (14) days of the semester or for courses for audit.



**Appendix 8B**  
**IDAHO CONSTITUTION: ARTICLE IX**

**Article IX: Education and School Lands**

SECTION 5. SECTARIAN APPROPRIATIONS PROHIBITED. Neither the legislature nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state, or any such public corporation, to any church or for any sectarian or religious purpose; provided, however, that a health facilities authority, as specifically authorized and empowered by law, may finance or refinance any private, not for profit, health facilities owned or operated by any church or sectarian religious society, through loans, leases, or other transactions.





## Appendix 9

### Appendix Contents

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



## **Appendix 9A**

### **PERFORMANCE GOALS AND INDICATORS**

Performance goals and indicators for the State of Idaho were created by a task force in 1998 in compliance with the new requirements in the Individuals with Disabilities Education Act (IDEA) Amendments of 1997.

## **Section 1. Overview**

### **A. IDEA Requirements**

The IDEA directs that the state must establish goals for the performance of students with disabilities that:

1. are consistent, to the maximum extent appropriate, with other goals and standards for all students established by the state; and
2. at a minimum, will address the performance of students with disabilities on assessments, dropout rates, and graduation rates.

The state must report to the Secretary of the U.S. Department of Education and the public on the progress in meeting those goals at least every two years.

### **B. Focus on Results for all Students**

The IDEA creates new challenges as greater emphasis is placed on the outcomes for students with disabilities. The goal of simply attending school for 12 years has been replaced with a requirement for students to demonstrate benefit from their educational programs. Students receiving special education services must not be excluded from school reform efforts. Districts must take responsibility for the results of all students, including those with disabilities.

Idaho's performance goals and indicators were developed with the following underlying belief: Students with disabilities will leave high school prepared to function successfully in the workplace, in postsecondary education options, and in the community.

### **C. Idaho's Performance Goals and Indicators**

Idaho's performance goals and indicators have been selected with three purposes in mind:

1. To maintain consistency with the state educational mission;
2. To stimulate school improvement by linking to areas of needs; and
3. To create and maintain educational equity by ensuring the effectiveness of efforts to educate students with disabilities.

The following performance goals and indicators are specifically designed to address issues of concern for students with disabilities:

1. Increase the graduation rate.
2. Decrease the dropout rate.
3. Include all students in statewide assessments.
4. Improve academic performance.
5. Decrease suspensions and expulsions.
6. Improve postschool outcomes.
7. Increase the percentage of certificated and trained personnel.

Although these goals specifically address issues pertaining to students with disabilities, they are not unique to special education. There is considerable overlap between these goals and those set for students without disabilities in the state.

## **Section 2. Special Education Performance Goals and Indicators**

The following subsections detail goals, formulas used to calculate the goals, indicators, sources, and possible improvement strategies that the district could employ to improve results for students with disabilities.

### **A. Goal 1 – Graduation Rate**

1. Goal: To increase the graduation rate of students with disabilities.
2. Formula

\_\_\_\_\_ Based on the December 1 Child Count, enter the number of special education high school students ages 17-21 completing high school.

\_\_\_\_\_ Enter the total number of special education students ages 17-21.

\_\_\_\_\_ Divide the first number by the second number.

\_\_\_\_\_ Enter the result.

\_\_\_\_\_ Multiply by 100.

\_\_\_\_\_ Enter the result. This is the district graduation rate written as a percentage.

3. Indicator
  - a. The district special education data report will show an increase in graduation rate.
4. Sources
  - a. Exiting data from the December 1 Child Count
  - b. Statewide special education data report
  - c. District special education data report
5. Possible Improvement Strategies
  - a. Use effective instruction to meet student needs.
  - b. Ensure well-articulated curriculum aligned with content standards.
  - c. Remediate skill deficiencies early.
  - d. Offer more preschool opportunities.
  - e. Increase parental participation.
  - f. Implement dropout prevention plans.
  - g. Offer summer/night/weekend classes to enable students to make-up credits.
  - h. Provide flexible school schedules.
  - i. Provide counseling or support from a caring, qualified adult.
  - j. Decrease the number of students working more than 15 hours per week.
  - k. Encourage student participation in personal goal setting.
  - l. Use a variety of evaluation procedures to allow students to demonstrate competency (e.g., oral, written, portfolio).
  - m. Provide relevant and high-interest curriculum materials.

**B. Goal 2 – Dropout Rate**

1. Goal: To decrease the dropout rate for students with disabilities.

## 2. Formula

\_\_\_\_\_ Based on the December 1 Child Count, enter the number of special education high school students ages 14-21 who dropped out or who moved and are not known to be continuing in school.

\_\_\_\_\_ Enter the total number of special education students ages 14-21.

\_\_\_\_\_ Divide the first number by the second number.

\_\_\_\_\_ Enter the result.

\_\_\_\_\_ Multiply by 100.

\_\_\_\_\_ Enter the result. This is the district dropout rate written as a percentage.

## 3. Indicators

- a. The statewide special education data report will show a decreasing trend.
- b. The district special education data report will show a decreasing trend.

## 4. Sources

- a. Exiting data from the December 1 Child Count
- b. Statewide special education data report
- c. District special education data report

## 5. Possible Improvement Strategies

- a. Develop a dropout prevention plan to target 9<sup>th</sup> graders.
- b. Encourage student connectedness by involvement in sports, clubs, music, or art.
- c. Implement programs involving tutoring and mentoring to improve academic skills.
- d. Focus on improved attendance at elementary grade levels.
- e. Avoid retentions (research does not support the concept as a positive intervention).
- f. Involve parents in problem solving and planning.
- g. Provide counseling or support from a caring, qualified adult.

- h. Provide relevant and high-interest curriculum materials that meet student needs.
- i. Offer flexible school schedules.
- j. Update student information and establish a tracking system that allows for identification of and follow-up on dropouts.
- k. Offer more academic options for dropouts.
- l. Provide remedial (basic skills) classes at the secondary and junior high levels.
- m. Prepare staff to deal more effectively with diverse learners.
- n. Use appropriate accommodations and adaptations.
- o. Train staff on classroom behavior management techniques.
- p. Offer positive behavioral support training for staff and parents.
- q. Address drug, alcohol, and gang issues.
- r. Provide vocational education and experience.
- s. Increase community agency involvement to connect IEP interventions with the family and to increase the duration of the intervention.
- t. Partner with community colleges to offer career training.
- u. Provide creative, alternative school options.
- v. Provide effective transition planning at earlier ages.
- w. Train staff to better deal with challenging behaviors (e.g., depression, harmful or destructive behavior, suicide attempts)
- x. Help students learn how to set and maintain meaningful, long-term goals.

**C. Goal 3 – Participation in Statewide Assessments**

1. Goal: To ensure that students with disabilities participate in all statewide assessments so they are an integral part of the accountability system.



## 2. Formula

- \_\_\_\_\_ Enter the number of students coded as special education on the specific statewide assessment.
- \_\_\_\_\_ Enter the total number of special education students enrolled in that grade.
- \_\_\_\_\_ Divide the first number by the second number.
- \_\_\_\_\_ Enter the result.
- \_\_\_\_\_ Multiply by 100.
- \_\_\_\_\_ Enter the result. This is the district participation rate written as a percentage.

## 3. Indicators

- a. At a minimum, 85 percent of special education students are included in regular statewide assessments with or without accommodations or adaptations.
- b. Students taking the Idaho Alternate Assessment represent not more than 2 percent of the total district student population.

## 4. Sources

- a. Student participation in statewide assessments including achievement tests, the Direct Writing Assessment, the Direct Math Assessment, and the Idaho Reading Indicator
- b. Student participation in the Idaho Alternate Assessment

## 5. Possible Improvement Strategies

- a. Incorporate appropriate accommodations, adaptations, and/or assistive technology into daily student instruction.
- b. Use appropriate accommodations, adaptations, and/or assistive technology during testing.
- c. Analyze and use data on statewide and districtwide assessments to make appropriate changes.
- d. Train staff on the Idaho Alternate Assessment.
- e. Align IEPs to the general education curriculum.

- f. Provide access to instruction in all assessed areas.
- g. Work with the district testing coordinator to ensure appropriate coding on assessments.

#### **D. Goal 4 – Academic Performance**

1. Goal: To monitor and improve the academic performance of students with disabilities on statewide assessments.
2. Formula
  - \_\_\_\_\_ Enter the grand total of scores of all students coded as special education students on the specific statewide assessment.
  - \_\_\_\_\_ Enter the total number of students coded as special education students on the specific statewide assessment.
  - \_\_\_\_\_ Divide the first number by the second number.
  - \_\_\_\_\_ Enter the result. This is the average score for students with disabilities for the specific assessment.
3. Indicators
  - a. Improved average assessment scores for students with disabilities on achievement tests.
  - b. Improved average assessment scores for students with disabilities on the Direct Writing Assessment and the Direct Math Assessment.
  - c. Improved average reading fluency scores for students with disabilities on the Idaho Reading Indicator.
4. Sources
  - a. Achievement tests
  - b. Direct Math Assessment
  - c. Direct Writing Assessment
  - d. Idaho Reading Indicator

**5. Possible Improvement Strategies**

- a. Improve teaching strategies through staff development opportunities.
- b. Engage in early screening and preventive intervention.
- c. Increase access to general education preschool programs.
- d. Institute extended-day programs.
- e. Increase summer school opportunities for students.
- f. Align curriculum and assessments with content standards.
- g. Instruct students in test-taking skills.
- h. Improve student attendance rates.
- i. Include instruction in a variety of proven methods that address the needs and preferences of diverse learners.
- j. Focus the curriculum on reading, math, and spelling in grades 1-3.
- k. Spend more time on direct instruction, either one-on-one or in small groups.
- l. Provide school-to-work opportunities with classroom support.
- m. Train staff on the Idaho Alternate Assessment.
- n. Align IEPs to the general education curriculum.
- o. Provide access to instruction in all assessed areas.
- p. Work with the district testing coordinator to ensure appropriate coding on assessments.

**E. Goal 5 – Suspensions and Expulsions**

- 1. Goal: To decrease the number of suspensions and expulsions of students with disabilities.
- 2. Formula

The baseline year of 1998-1999 is used for the calculation regarding suspensions and expulsions. The December 1, 1998 Child Count provided the state and district

population numbers and percentages. The formula will be renormed periodically using updated figures.

\_\_\_\_\_ Based on the December 1, 1998, Child Count, enter the number of students with disabilities in the district.

\_\_\_\_\_ Based on the December 1, 1998, Child Count, enter the number of students with disabilities reported statewide.

\_\_\_\_\_ Divide the first number by the second number.

\_\_\_\_\_ Enter the result.

\_\_\_\_\_ Multiply by 100.

\_\_\_\_\_ Enter the result. This is the percentage of the state's special education students enrolled in the district.

The above percentage is compared to the results of the following computation.

\_\_\_\_\_ Enter the number of students with disabilities districtwide that were suspended for more than 10 school days or expelled during the school year being examined.

81 \_\_\_\_\_ Enter the number of students with disabilities statewide that were suspended for more than 10 school days or expelled during the baseline year of 1998-1999.

\_\_\_\_\_ Divide the first number by the second number.

\_\_\_\_\_ Enter the result.

\_\_\_\_\_ Multiply by 100.

\_\_\_\_\_ Enter the result. This is the district suspension-expulsion rate written as a percentage. The goal is for this figure to be close to the figure representing the percentage of special education students enrolled in the district as determined in the calculation above.

A size-sensitive formula (the E-formula) is used to calculate the suspension-expulsion rate. See Section 3, "Other Data Indicators," on page A-268 of this chapter for information about the E-formula.

## 3. Indicators

- a. Discipline data demonstrates decreased percentage of suspensions and expulsions statewide.
- b. The district shows a continued sustained decline in the number of suspensions and expulsions.

## 4. Source

- a. End-of-year discipline data collection

## 5. Possible Improvement Strategies

- a. Design and implement a schoolwide discipline plan.
- b. Add character education to the curriculum.
- c. Consider positive behavioral support training for the staff and parents.
- d. Use functional behavioral analysis to develop effective positive behavioral supports.
- e. Use positive behavioral supports as prevention.
- f. Identify students with emotional disturbance and develop appropriate programs.
- g. Increase positive parent involvement and parent training.
- h. Use positive behavioral supports listed in the IEP in a proactive approach to address behavior issues.
- i. Investigate anger management training.
- j. Ensure student access to counseling and support by a caring, qualified adult.
- k. Use support groups for troubled students.
- l. Consider day-treatment programs.
- m. Investigate social skills curriculum and training for staff.
- n. Meet student discipline needs “in-house” rather than giving out-of-school suspensions.

- o. Investigate community service as an option for student discipline.
- p. Use Saturday school as a discipline intervention.

**F. Goal 6 – Postschool Outcomes**

1. Goal: To improve postschool outcomes for students with disabilities.
2. Formula

The SDE has implemented a statewide 10-year longitudinal study focused on postschool outcomes. Data collection began with the graduating class of 2000. The study will survey graduates of each class for five years, and postschool outcomes will be reported for the district and state.

3. Indicators
  - a. The percentage of students with disabilities who are employed after high school will increase.
  - b. The percentage of students with disabilities earning wages above the minimum will increase.
  - c. The percentage of students with disabilities participating in postsecondary education or vocational training upon completion of high school will increase.
  - d. The percentage of students with disabilities with weekly access to community participation will increase.
4. Sources
  - a. Postschool Outcomes Longitudinal Research project
  - b. Vocational education and college enrollment records
5. Possible Improvement Strategies
  - a. Participate in school-to-work programs.
  - b. Offer education on independent living skills.
  - c. Emphasize developing effective communication and problem-solving skills.
  - d. Employ good teaching strategies for basic skill development.

- e. Offer self-advocacy training.
- f. Ensure student access to counseling and support by a caring, qualified adult.
- g. Increase family involvement.
- h. Increase interagency connections and collaboration.
- i. Improve the transition process.
- j. Evaluate career interest and ability.
- k. Involve students in personal goal setting and planning.

### **G. Goal 7 – Trained Personnel**

1. Goal: To increase the percentage of trained personnel working with students with disabilities including, but not limited to, the following: (a) special education staff and related services providers; (b) paraprofessionals; and (c) general education teachers who work with students with disabilities.

2. Formula

- \_\_\_\_\_ Enter the number of district special education staff and related service providers who are certificated or licensed for the position they hold.
- \_\_\_\_\_ Enter the total number of district special education staff and related service providers.
- \_\_\_\_\_ Divide the first number by the second number.
- \_\_\_\_\_ Enter the result.
- \_\_\_\_\_ Multiply by 100.
- \_\_\_\_\_ Enter the result. This is the percentage of trained special education personnel.

3. Indicators

- a. The percentage of special education staff and related services providers who are certificated or licensed for the position they hold will increase.
- b. The percentage of paraprofessionals who meet entry-level standards by the end of their first year of working with students with disabilities will increase.

- c. The percentage of paraprofessionals who meet intermediate standards by the end of their third year will increase.
- d. The percentage of general education teachers who work with students with disabilities and have the skills and knowledge necessary to meet the needs of those students will increase.
- e. The number of teachers with a letter of authorization (LOA) employed as special education teachers will decrease.
- f. The number of consultant specialists (CS) employed in special education will decrease.

4. Sources

- a. Statewide special education data report
- b. District special education data report
- c. Certification reports including the number of LOAs and CSs
- d. Idaho's Maximizing Opportunities for Students and Teachers (MOST) forecast survey

5. Possible Improvement Strategies

- a. Provide in-service training opportunities.
- b. Support staff participation in conferences and institutes.
- c. Develop a more flexible professional development plan that includes training all district personnel on meeting the needs of students with disabilities.
- d. Support paraprofessional training that leads to teacher certification in special education.
- e. Advertise job openings both in state and out of state, particularly in cities with universities.
- f. Use the Internet for posting job openings and for locating potential teachers.



### Section 3. Other Data Indicators

#### A. Racial Disproportionality

Overrepresentation of culturally and linguistically diverse students in special education programs, in major disability categories within special education, and in the most restrictive settings has become a national issue. The IDEA directs states to collect and examine data to determine if significant disproportionality based on race is occurring statewide and in individual districts with respect to:

1. the identification of children as children with disabilities;
2. the identification of children as children with a specific disability; and
3. the placement of these children in particular educational settings.

If the district data indicates that significant disproportionality exists, the district must review and, if appropriate, revise the policies, procedures, and practices used in identification or placement.

To determine if significant disproportionality exists, the percentage of a particular ethnic group in special education is compared to the percentage of the same ethnic group enrolled in the district. For example, if a district's general enrollment includes 30 percent Hispanics, then Hispanics are expected to make up about 30 percent of the special education population.

Specifically, Idaho uses the E-formula, equity formula, to determine whether disproportionality exists. (The E-formula was handed down by the Ninth Circuit Court in the *Larry P. v. Riles* disproportionality case.) The E-formula has the statistical properties of standard error of measurement and is sensitive to the size of a district as well as its ethnic student distribution. The formula allows for a slightly larger "acceptable range" concerning the percentage of students of the same ethnic minority that are placed in special education programs in the district.

The E-Formula is:  $E = A + \text{Sqrt} [A*(100-A)/N]$

Where:

E = maximum allowable percentage of the total special education enrollment (or special education enrollment in a specific disability or placement)

A = percentage of the same ethnic minority group in general education in the district

N = total special education enrollment (or total special education enrollment in a specific disability or placement)

Sqrt = square root

**B. Least Restrictive Environment (LRE): Percentage of Students Served by Placement**

The IDEA requires that students with disabilities be placed in age-appropriate general education classrooms to the greatest extent appropriate for each individual student, as determined by the IEP team.

The percentage of special education students educated in each placement setting on a continuum of LRE options is included on the district special education data report. If the district data indicates concerns with LRE placement percentages, the district must review and, if appropriate, revise the policies, procedures, and practices used in placement decisions.



**Appendix 9B**  
**STANDARDS FOR PARAPROFESSIONALS SUPPORTING SPECIAL NEEDS STUDENTS**

The Idaho Paraprofessional Standards were developed to address the Amendments to the Individuals with Disabilities Education Act of 1997. This law requires states to have strategies in place to ensure that all paraprofessionals have the skills and knowledge necessary to meet the needs of students with disabilities. In addition, an administrative rule adopted by the State Board of Education and approved by the Idaho Legislature states that “Educational agencies may employ paraprofessional personnel to assist in the provision of special education and related services to students with disabilities, if they meet standards established by the State Department of Education” (IDAPA 08.02.03.109.02.g).

The following standards were adopted by the State Department of Education and became effective upon distribution in October 2000. The knowledge and performance statements are labeled as “entry level,” “intermediate,” and “advanced” to help district personnel prioritize training activities for paraprofessionals.

It is recommended that orientation and training in the paraprofessional’s first year of employment target entry-level standards to ensure that all paraprofessionals are knowledgeable, have the skills needed to support the programs to which they are assigned, and comply with legal and policy requirements.

Training to address intermediate standards can extend over a two-year period and are planned according to the needs of the paraprofessional, as determined by the annual evaluation. Training to address advanced standards is not required.

**Standards for Paraprofessionals Supporting Special Needs Students**

(E) = Entry Level

(I) = Intermediate

(A) = Advanced

**Principle 1: The paraprofessional has a basic knowledge of the discipline(s) taught and supports the teacher/provider in creating learning experiences that make the subject matter meaningful for students.**

**Knowledge**

1. The paraprofessional has the basic academic skills needed to perform his or her assignments. (E)
2. The paraprofessional possesses basic educational terminology regarding students, programs, roles, and instructional activities. (I)

**Disposition**

1. The paraprofessional realizes how the application of learning is useful in life.

**Performance**

1. The paraprofessional demonstrates the academic skills needed to perform his or her assignment(s). (E)
2. The paraprofessional is able to use basic educational terminology to understand assigned tasks. (I)
3. The paraprofessional presents subject area content accurately to students. (I)

**Principle 2: The Paraprofessional has a basic knowledge of how students learn and develop and assists in providing opportunities that support the students' intellectual, social, and personal development.**

**Knowledge**

1. The paraprofessional understands which materials and activities are chronologically age appropriate. (I)

**Disposition**

1. The paraprofessional appreciates individual variations within each domain of development.

**Performance**

1. The paraprofessional uses developmentally-appropriate and age-appropriate strategies, equipment, materials, and technologies as directed by the teacher/provider. (I)

**Principle 3: The paraprofessional knows that students differ in their approaches to learning and assists in creating instructional opportunities that are adapted to students with diverse needs.**

**Knowledge**

1. The paraprofessional understands the impact that a disability or a combination of disabilities may have on a student's life. (E)
2. The paraprofessional knows about different methods that are used by teacher/providers to accommodate individual student learning needs. (I)
3. The paraprofessional has a basic knowledge of the strategies used to support the learning of students whose first language is not English. (I)
4. The paraprofessional has an awareness of common assistive technology devices used to accommodate student learner needs. (I)
5. The paraprofessional understands, in general terms, Idaho's special education requirements, including definitions, qualifications, and services. (I)
6. The paraprofessional knows about areas of exceptionality, such as learning disabilities, visual and perceptual difficulties, emotional and behavioral problems, physical and cognitive delays, and giftedness. (I)
7. The paraprofessional understands variations of beliefs, traditions, and values regarding disability across cultures and their effect on relationships among the student, the family, and school personnel. (A)

**Disposition**

1. The paraprofessional has an appreciation of programs for students with diverse needs.
2. The paraprofessional believes that all students can learn.
3. The paraprofessional believes his or her role includes advocating for, encouraging, motivating, and facilitating individual learning.
4. The paraprofessional respects students as individuals with differing backgrounds, skills, talents, and interests.

5. The paraprofessional is sensitive to community and cultural norms.

**Performance**

1. The paraprofessional uses his or her understanding of program requirements to receive and carry out assignments. (E)
2. The paraprofessional persists in helping all students achieve success. (E)
3. The paraprofessional assists in adapting instructional strategies and materials according to student needs and ability levels. (I)
4. The paraprofessional assists the teacher/provider to maintain assistive/adaptive/medical services. (I)
5. The paraprofessional demonstrates the ability to carry out a variety of teacher/provider directed accommodations and adaptations to address the individual student's needs. (I)
6. The paraprofessional demonstrates proper lifting, carrying, and transferring techniques. (I)
7. The paraprofessional uses a number of teacher/provider directed strategies to support the learning of students whose first language is not English. (I)

**Principle 4: The paraprofessional understands and uses a variety of instructional strategies to assist the teacher/provider.****Knowledge**

1. The paraprofessional knows where to access a variety of learning resources. (E)
2. The paraprofessional understands that students from diverse experiential, cultural, economic, and language backgrounds may need different strategies for learning. (I)
3. The paraprofessional has a basic understanding of a variety of instructional techniques used by the teacher/provider. (I)
4. The paraprofessional understands basic instructional, remedial, and accelerated methods, techniques, and materials for teaching a variety of students. (A)

**Disposition**

1. The paraprofessional believes that a variety of instructional strategies may be necessary to meet individual needs.

2. The paraprofessional values flexibility and resourcefulness in supporting the teacher/provider in adapting and modifying instruction to address student needs.

**Performance**

1. The paraprofessional uses a variety of instructional techniques as modeled by the teacher/provider. (I)
2. The paraprofessional locates and maintains a variety of instructional resources as directed by the teacher/provider. (I)

**Principle 5: The paraprofessional understands the impact of the educational environment on student learning, self-motivation, and positive social interaction and assists in creating a positive learning environment.****Knowledge**

1. The paraprofessional understands district guidelines for protecting the safety, health, and well-being of students and staff (e.g., universal precautions for preventing illnesses and infections, the proper body mechanics for lifting students and heavy objects, CPR, and first aid). (E)
2. The paraprofessional understands how social groups function and influence people and how people influence groups. (I)
3. The paraprofessional recognizes factors and situations that are likely to promote or diminish intrinsic motivation and knows how to help students become self-motivated. (I)
4. The paraprofessional understands the goal of promoting student self-determination and self-advocacy skills and his or her role in supporting that goal. (I)
5. The paraprofessional has a general understanding of positive behavioral supports. (I)
6. The paraprofessional understands the demands of various classroom and nonclassroom environments on individuals with diverse learning needs. (A)

**Disposition**

1. The paraprofessional values the role of students in promoting one another's learning and recognizes the importance of peer relationships in establishing a climate of learning.
2. The paraprofessional recognizes the value of intrinsic motivation to students' lifelong growth and learning.



3. The paraprofessional values and understands student independence and the “dignity of risk.”
4. The paraprofessional respects a wide diversity of beliefs, traditions, and values found across cultures and environments.
5. The paraprofessional is committed to helping students develop self-confidence and competence.

**Performance**

1. The paraprofessional carries out school behavior management policies and practices. (E)
2. The paraprofessional uses positive behavioral supports, crisis intervention, and restraint techniques consistent with the district/agency policy. (E)
3. The paraprofessional assists in establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole. (E)
4. The paraprofessional plans for smooth transitions between activities and environments. (E)
5. The paraprofessional maintains a safe and effective learning environment for academic and nonacademic settings (e.g., lunchrooms, study halls, playgrounds, and buses). (E)
6. The paraprofessional supports a learning community in which individual differences are respected and valued. (E)
7. The paraprofessional assists in creating a learning community in which students assume responsibility for themselves and one another, participate in decision making, work collaboratively and independently, resolve conflicts, and engage in purposeful learning activities. (I)
8. The paraprofessional assists in modifying the learning environment to manage behavior. (I)
9. The paraprofessional implements behavioral prevention, intervention, and reinforcement plans that have been developed by the teacher/provider. (I)

**Principle 6: The paraprofessional uses a variety of communication techniques, including verbal, nonverbal, and media in and beyond the classroom.**

**Knowledge**

1. The paraprofessional is aware of effective communication styles. (I)
2. The paraprofessional understands how diversity affects community in the classroom. (I)
3. The paraprofessional has an understanding of verbal and nonverbal communication. (I)
4. The paraprofessional has knowledge of the basic functions of multimedia technology (e.g., computer, video, recorder, projector). (I)
5. The paraprofessional has knowledge of basic computer software and functions, e-mail, and the Internet. (I)
6. The paraprofessional knows strategies and techniques that facilitate communication for students with diverse needs. (A)

**Disposition**

1. The paraprofessional values the ways in which people seek to communicate and encourages various modes of communication in the classroom.

**Performance**

1. The paraprofessional effectively communicates with team members. (E)
2. The paraprofessional is a thoughtful and responsive listener. (E)
3. The paraprofessional demonstrates sensitivity to cultural and other differences in communication methods (e.g., appropriate use of eye contact, interpretation of body language and verbal statements, acknowledgement of and responsiveness to different modes of communication and participation). (I)
4. The paraprofessional uses a variety of media communication tools, including audio-visual aids and computers, to enrich learning opportunities. (I)

**Principle 7: The paraprofessional implements teacher/provider designed instructional plans based upon knowledge of subject matter, students, the community, and curriculum goals.**

**Knowledge**

1. The paraprofessional understands that instruction is more effective when designed around student strengths, interests, and abilities. (I)

2. The paraprofessional knows that a variety of elements (instructional materials, individual student interests, needs, aptitudes, and community resources) are considered when planning instruction for students. (I)
3. The paraprofessional understands that curriculum and instructional planning are based on learning theory and child and adolescent development. (A)

**Disposition**

1. The paraprofessional believes that plans must always be open to adjustment and revision, as directed by the teacher/provider, based on student needs, student input, and changing circumstances.
2. The paraprofessional values planning as a collegial and collaborative activity.
3. The paraprofessional values both long-term and short-term planning.

**Performance**

1. The paraprofessional follows teacher/provider written and verbal plans, seeking clarification as needed. (E)

**Principle 8: The paraprofessional supports the teacher/provider in evaluating the intellectual, social, and physical development of the student.****Knowledge**

1. The paraprofessional understands the purposes of formative and summative assessment and evaluation. (I)
2. The paraprofessional realizes the need to use multiple strategies to assess individual student progress. (I)
3. The paraprofessional understands the distinctions in the roles of teachers/providers, other licensed district/agency professionals, and paraprofessionals in assessing student strengths and needs. (I)

**Disposition**

1. The paraprofessional values ongoing assessment as essential to the instructional process and recognizes that many different assessment strategies, accurately and systematically used, are necessary for monitoring and promoting student learning.

**Performance**

1. The paraprofessional assists teachers/providers with maintaining student records required by the state or the district. (E)
2. The paraprofessional gathers information by using informal and functional assessment methods under teacher/provider direction. (I)
3. The paraprofessional objectively shares relevant information about student performance to assist the teacher/provider in the planning process. (I)
4. The paraprofessional assists in providing assessment accommodations and adaptations as designed by the teacher/provider. (I)
5. The paraprofessional may administer formal assessments when given appropriate training and supervision. (A)

**Principle 9: The paraprofessional engages in continued professional improvement toward an identified goal.****Knowledge**

1. The paraprofessional has an awareness of his or her professional strengths and needs. (E)
2. The paraprofessional is aware of the personal biases and differences that affect job performance. (I)
3. The paraprofessional is knowledgeable about resources that provide opportunities for professional growth. (I)

**Disposition**

1. The paraprofessional embraces lifelong learning.
2. The paraprofessional is committed to ongoing reflection, assessment, and learning as a process.
3. The paraprofessional is committed to seeking, developing, and continually refining practices.
4. The paraprofessional values constructive feedback as a learning tool.
5. The paraprofessional values competency and integrity.

**Performance**

1. The paraprofessional uses self-reflection as a means of improving job performance. (E)
2. The paraprofessional asks for and accepts feedback from the teacher/provider. (E)
3. The paraprofessional documents progress toward his or her professional development. (I)
4. The paraprofessional participates in meaningful professional development opportunities in order to demonstrate current, effective practices. (I)

**Principle 10: The para professional interacts in a professional, effective manner with colleagues, parents, and other members of the community to support students' learning and well-being.**

**Knowledge**

1. The paraprofessional understands the distinction between the roles of all team members in support of student learning. (E)
2. The paraprofessional understands the relationships among school personnel, families, and the larger community and how such partnerships foster student learning. (E)
3. The paraprofessional understands the common concerns that the parents of students with diverse needs may have. (E)
4. The paraprofessional knows how to respond respectfully to a parent, the community, or another educator in conflict situations. (E)
5. The paraprofessional knows the rights and responsibilities of parents, students, teachers, professionals, and schools as they relate to students with learning needs. (E)
6. The paraprofessional knows signs of emotional distress, child abuse, substance abuse, and neglect in students and how to follow the procedures to report known or suspected abuse or neglect to the appropriate authorities. (E)
7. The paraprofessional understands the expectations for professional conduct, policies, procedures, and laws with regard to student and parent rights. (E)

**Disposition**

1. The paraprofessional respects the need for beneficial relationships among families, school personnel, and community personnel.

2. The paraprofessional is concerned about all aspects of the student's well-being and is alert to signs of difficulties.
3. The paraprofessional respects the dignity, rights, and privacy of students and families.
4. The paraprofessional is respectful of distinctions among the roles and responsibilities of paraprofessionals, professionals, and other team members.

### **Performance**

1. The paraprofessional respects student privacy, student rights, and the confidentiality of information. (E)
2. The paraprofessional effectively collaborates with team members. (E)
3. The paraprofessional follows teacher/provider instructions and honors team decisions in daily practice. (E)
4. The paraprofessional provides positive representation of the student, school, and district. (E)
5. The paraprofessional develops a rapport with students (e.g., talks with and listens to students) is sensitive and responsive to clues of distress, and seeks outside help as needed. (E)
6. The paraprofessional demonstrates professional conduct in accordance with district policies and state laws. (E)
7. The paraprofessional exercises objective and prudent judgment. (E)
8. The paraprofessional follows policy regarding reporting suspected child abuse, neglect, or threat of harm to the student or others. (E)

### **Documenting the Achievement of Standards**

Each district must establish a method to verify that paraprofessionals serving students with disabilities have met the standards. The *Paraprofessional Standards-Based Performance Evaluation* form that is on the following pages may be used or modified to meet the needs of the district. This evaluation tool is available from the Bureau of Special Education either on disk or via e-mail. The district may also choose to incorporate the standards into an existing performance evaluation process.

## Paraprofessional Standard-Based Performance Evaluation

### School District # \_\_\_\_\_

Employee's Name: \_\_\_\_\_

Work Location: \_\_\_\_\_

Job Title: \_\_\_\_\_

Evaluation Period (from/to): \_\_\_\_\_

Evaluation Type (annual, new hire, other): \_\_\_\_\_

Evaluator(s): \_\_\_\_\_

Verification: C=Class, I=Interview, D=Demonstration

Date Standard Achieved

Level: E=Entry Level, I=Intermediate, A=Advanced

<b>Principle 1: The paraprofessional has a basic knowledge of the discipline(s) taught and supports the teacher/provider in creating learning experiences that make the subject matter meaningful for students.</b>			
<b>Knowledge</b>			
1. Basic academic skills needed to perform his or her assignments.	(E)		
2. Possesses basic educational terminology regarding students, programs, roles, and instructional activities.	(I)		
<b>Disposition</b>			
1. The paraprofessional realizes how the application of learning is useful in life.			
<b>Performance</b>			
1. Demonstrates the academic skills needed to perform his or her assignment(s).	(E)		
2. Able to use basic educational terminology to understand assigned tasks.	(I)		
3. Presents subject area content accurately to students.	(I)		
<b>Principle 2: The paraprofessional has a basic knowledge of how students learn and develop and assists in providing opportunities that support the students' intellectual, social, and personal development.</b>			
<b>Knowledge</b>			
1. Understands which materials and activities are chronologically age appropriate.	(I)		
<b>Disposition</b>			
1. Appreciates individual variations within each domain of development.			
<b>Performance</b>			
1. Uses developmentally-appropriate and age-appropriate strategies, equipment, materials, and technologies as directed by the teacher/provider.	(I)		

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
<b>Principle 3: The paraprofessional knows that students differ in their approaches to learning and assists in creating instructional opportunities that are adapted to students with diverse needs.</b>			
<b>Knowledge</b>			
1. Understands the impact that disability or a combination of disabilities may have on a student's life.	(E)		
2. Knows about different methods that are used by teachers/providers to accommodate individual student learning needs.	(I)		
3. Has a basic knowledge of the strategies used to support the learning of students whose first language is not English.	(I)		
4. Has an awareness of common assistive technology devices used to accommodate student learner needs.	(I)		
5. Understands, in general terms, Idaho's special education requirements, including definitions, qualifications, and services.	(I)		
6. Knows about areas of exceptionality, such as learning disabilities, visual and perceptual difficulties, emotional and behavioral problems, physical and cognitive delays, and giftedness.	(I)		
7. Understands variations of beliefs, traditions, and values regarding disability across cultures and their effect on relationships among the student, the family, and school personnel.	(A)		
<b>Disposition</b>			
1. Has an appreciation of programs for students with diverse needs.			
2. Believes that all students can learn.			
3. Believes his or her role includes advocating for, encouraging, motivating, and facilitating individual learning.			
4. Respects students as individuals with differing backgrounds, skills, talents, and interests.			
5. Is sensitive to community and cultural norms.			
<b>Performance</b>			
1. Uses his or her understanding of program requirements to receive and carry out assignments.	(E)		
2. Persists in helping all students achieve success.	(E)		
3. Assists in adapting instructional strategies and materials according to student needs and ability levels.	(I)		
4. Assists the teacher/provider to maintain assistive/adaptive/medical services.	(I)		
5. Demonstrates the ability to carry out a variety of teacher/provider directed accommodations and adaptations to address the individual student's needs.	(I)		



Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
6. Demonstrates proper lifting, carrying, and transferring techniques.	(I)		
7. Uses a number of teacher/provider directed strategies to support the learning of students whose first language is not English.	(I)		
<b>Principle 4: The paraprofessional understands and uses a variety of instructional strategies to assist the teacher/provider.</b>			
<b>Knowledge</b>			
1. Knows where to access a variety of learning resources.	(E)		
2. Understands that students from diverse experiential, cultural, economic, and language backgrounds may need different strategies for learning.	(I)		
3. Has a basic understanding of a variety of instructional techniques used by the teacher/provider.	(I)		
4. Understands basic instructional, remedial, and accelerated methods, techniques, and materials for teaching a variety of students.	(A)		
<b>Disposition</b>			
1. Believes that a variety of instructional strategies may be necessary to meet individual needs.			
2. Values flexibility and resourcefulness in supporting the teacher/provider in adapting and modifying instruction to address student needs.			
<b>Performance</b>			
1. Uses a variety of instructional techniques as modeled by the teacher/provider.	(I)		
2. Locates and maintains a variety of instructional resources as directed by the teacher/provider.	(I)		
<b>Principle 5: The paraprofessional understands the impact of the educational environment on student learning, self-motivation, and positive social interaction and assists in creating a positive learning environment.</b>			
<b>Knowledge</b>			
1. Understands district guidelines for protecting the safety, health and well-being of students and staff (e.g., universal precautions for preventing illnesses and infections, the proper body mechanics for lifting students and heavy objects, CPR, and first aid).	(I)		
2. Understands how social groups function and influence people and how people influence groups.	(E)		
3. Recognizes factors and situations that are likely to promote or diminish intrinsic motivation and knows how to help students become self-motivated.	(I)		
4. Understands the goal of promoting student self-determination and self-advocacy skills and his or her role in supporting that goal.	(I)		
5. Has a general understanding of positive behavioral supports.	(I)		

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
6. Understands the demands of various classroom and nonclassroom environments on individuals with diverse learning needs.	(A)		
<b>Disposition</b>			
1. Values the role of students in promoting one another's learning and recognizes the importance of peer relationships in establishing a climate of learning.			
2. Recognizes the value of intrinsic motivation to students' lifelong growth and learning.			
3. Values and understands student independence and the "dignity of risk."			
4. Respects a wide diversity of beliefs, traditions, and values found across cultures and environments.			
5. Is committed to helping students develop self-confidence and competence.			
<b>Performance</b>			
1. Carries out school behavior management policies and practices.	(E)		
2. Uses positive behavioral supports, crisis intervention, and restraint techniques consistent with the district/agency policy.	(E)		
3. Assists in establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole.	(E)		
4. Plans for smooth transitions between activities and environments.	(E)		
5. Maintains a safe and effective learning environment for academic and nonacademic settings (e.g., lunchrooms, study halls, playgrounds, and buses).	(E)		
6. Supports a learning community in which individual differences are respected and valued.	(E)		
7. Assists in creating a learning community in which students assume responsibility for themselves and one another, participate in decision making, work collaboratively and independently, resolve conflicts, and engage in purposeful learning activities.	(I)		
8. Assists in modifying the learning environment to manage behavior.	(I)		
9. Implements behavioral prevention, intervention, and reinforcement plans that have been developed by the teacher/provider.	(I)		
<b>Principle 6: The paraprofessional uses a variety of communication techniques, including verbal, nonverbal, and media in and beyond the classroom.</b>			
<b>Knowledge</b>			
1. Is aware of effective communication styles.	(I)		
2. Understands how diversity affects communication in the classroom.	(I)		
3. Has an understanding of verbal and nonverbal communication.	(I)		

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
4. Has knowledge of the basic functions of multimedia technology (e.g., computer, video, recorder, projector).	(I)		
5. Has knowledge of basic computer software and functions, e-mail, and the Internet.	(I)		
6. Knows strategies and techniques that facilitate communication for students with diverse needs.	(A)		
<b>Disposition</b>			
1. The paraprofessional values the ways in which people seek to communicate and encourages various modes of communication in the classroom.			
<b>Performance</b>			
1. Effectively communicates with team members.	(E)		
2. Is a thoughtful and responsive listener.	(E)		
3. Demonstrates sensitivity to cultural and other differences in communication methods (e.g., appropriate use of eye contact, interpretation of body language and verbal statements, acknowledgement of and responsiveness to different modes of communication and participation).	(I)		
4. Uses a variety of media communication tools, including audio-visual aids and computers, to enrich learning opportunities.	(I)		
<b>Principle 7: The paraprofessional implements teacher/provider designed instructional plans based upon knowledge of subject matter, students, the community, and curriculum goals.</b>			
<b>Knowledge</b>			
1. Understands that instruction is more effective when designed around student strengths, interests, and abilities.	(I)		
2. Knows that a variety of elements (instructional materials, individual student interests, needs, aptitudes, and community resources) are considered when planning instruction for students.	(I)		
3. Understands that curriculum and instructional planning are based on learning theory and child and adolescent development.	(A)		
<b>Disposition</b>			
1. Believes that plans must always be open to adjustment and revision, as directed by the teacher/provider, based on student needs, student input, and changing circumstances.			
2. Values planning as a collegial and collaborative activity.			
3. Values both long-term and short-term planning.			
<b>Performance</b>			
1. Follows teacher/provider written and verbal plans, seeking clarification as needed.	(E)		

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
<b>Principle 8: The paraprofessional supports the teacher/provider in evaluating the intellectual, social, and physical development of the student.</b>			
<b>Knowledge</b>			
1. Understands the purposes of formative and summative assessment and evaluation.	(I)		
2. Realizes the need to use multiple strategies to assess individual student progress.	(I)		
3. Understands the distinctions in the roles of teachers/providers, other licensed district/agency professionals, and paraprofessionals in assessing student strengths and needs.	(I)		
<b>Disposition</b>			
1. Values ongoing assessment as essential to the instructional process and recognizes that many different assessment strategies, accurately and systematically used, are necessary for monitoring and promoting student learning.			
<b>Performance</b>			
1. Assists teachers/providers with maintaining student records required by the state or the district.	(E)		
2. Gathers information by using informal and functional assessment methods under teacher/provider direction.	(I)		
3. Objectively shares relevant information about student performance to assist the teacher/provider in the planning process.	(I)		
4. Assists in providing assessment accommodations and adaptations as designed by the teacher/provider.	(I)		
5. May administer formal assessments when given appropriate training and supervision.	(A)		
<b>Principle 9: The paraprofessional engages in continued professional improvement toward an identified goal.</b>			
<b>Knowledge</b>			
1. Has an awareness of his or her professional strengths and needs.	(E)		
2. Is aware of the personal biases and differences that affect job performance.	(I)		
3. Is knowledgeable about resources that provide opportunities for professional growth.	(I)		
<b>Disposition</b>			
1. Embraces lifelong learning.			
2. Is committed to ongoing reflection, assessment, and learning as a process.			
3. Is committed to seeking, developing, and continually refining practices.			
4. Values constructive feedback as a learning tool.			

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
5. Values competency and integrity.			
<b>Performance</b>			
1. Uses self-reflection as a means of improving job performance.	(E)		
2. Asks for and accepts feedback from the teacher/provider.	(E)		
3. Documents progress toward his or her professional development.	(I)		
4. Participates in meaningful professional development opportunities in order to demonstrate current, effective practices.	(I)		
<b>Principle 10: The paraprofessional interacts in a professional, effective manner with colleagues, parents, and other members of the community to support students' learning and well-being.</b>			
<b>Knowledge</b>			
1. Understands the distinction between the roles of all team members in support of student learning.	(E)		
2. Understands the relationships among school personnel, families, and the larger community and how such partnerships foster student learning.	(E)		
3. Understands the common concerns that the parents of students with diverse needs may have.	(E)		
4. Knows how to respond respectfully to a parent, the community, or another educator in conflict situations.	(E)		
5. Knows the rights and responsibilities of parents, students, teachers, professionals, and schools as they relate to students with learning needs.	(E)		
6. Knows signs of emotional distress, child abuse, substance abuse, and neglect in students and how to follow the procedures to report known or suspected abuse or neglect to the appropriate authorities.	(E)		
7. Understands the expectations for professional conduct, policies, procedures, and laws with regard to student and parent rights.	(E)		
<b>Disposition</b>			
1. Respects the need for beneficial relationships among families, school personnel, and community personnel.			
2. Is concerned about all aspects of the student's well-being and is alert to signs of difficulties.			
3. Respects the dignity, rights, and privacy of students and families.			
4. Is respectful of distinctions among the roles and responsibilities of paraprofessionals, professionals, and other team members.			
<b>Performance</b>			
1. Respects student privacy, student rights, and the confidentiality of information.	(E)		
2. Effectively collaborates with team members.	(E)		

Verification: C=Class, I=Interview, D=Demonstration			
Date Standard Achieved			
Level: E=Entry Level, I=Intermediate, A=Advanced			
3. Follows teacher/provider instructions and honors team decisions in daily practice.	(E)		
4. Provides positive representation of the student, school, and district.	(E)		
5. Develops a rapport with students (e.g., talks with and listens to students), is sensitive and responsive to clues of distress, and seeks outside help as needed.	(E)		
6. Demonstrates professional conduct in accordance with district policies and state law.	(E)		
7. Exercises objective and prudent judgment.	(E)		
8. Follows policy regarding reporting suspected child abuse, neglect, or threat of harm to the student or others.	(E)		



## **Appendix 9C**

### **SUPERVISION OF PARAPROFESSIONALS, ASSISTANTS, AND AIDES**

#### **A. Providing Supervision**

The certificated/licensed teacher and/or related service provider supervises paraprofessionals, assistants, or aides on a daily or a regularly scheduled basis. This can be accomplished in different ways (direct or indirect) depending on the roles and responsibilities and the organization of the instructional settings within the school programs. The teacher or related service provider, through frequent modeling and coaching, can guide the paraprofessional toward increased competency in working with students who have disabilities.

Teachers and related service providers need to directly supervise paraprofessionals on a more intensive basis in the initial stages of material preparation, lesson preparation, instructional assistance, guided practice, group process, classroom management, behavior management, and other student interactions.

As the paraprofessional becomes more proficient in carrying out roles and responsibilities, the teacher and related service provider can vary the nature and extent of supervision. Ideally, the teacher and related service provider work as a team with the paraprofessional in order to assist the student. Supervision should be designed to enhance the team concept and to increase the skills of both the teacher and the related service provider as well as the paraprofessional in meeting the needs of students with disabilities.

The supervision plan developed by the supervising teacher or related service provider must ensure that the supervisor will have direct contact time with the paraprofessional as well as the individual student(s) served by the paraprofessional. Supervision should provide information about the quality of the paraprofessional's performance of assigned tasks and should verify that instruction or therapy activity is limited to tasks specified in the paraprofessional's scope of responsibilities.

The information listed above was adapted from the *National Joint Committee on Learning Disabilities Newsletter* for February 1, 1998.

#### **B. Appropriate Roles and Responsibilities for the Paraprofessional**

When considering which activities to delegate to the paraprofessional, the following guidelines should be considered.

Paraprofessionals are members of a team providing education or other related services to students and their families. Paraprofessionals work under the supervision of professional staff who are ultimately responsible for the design, implementation, and evaluation of the instructional programs.

The clear identification of the roles and responsibilities of the paraprofessional is essential to any successful school program. All assigned duties in any job description should adhere to the ethical



and legal requirements for the use of the paraprofessional. The following list represents some of the appropriate instructional tasks that could be assigned to a paraprofessional:

1. Implement educational programs as designed by the certificated/licensed teacher or related service provider;
2. Supervise children in hallway, lunchroom, and playground;
3. Assist in monitoring supplementary work and independent study;
4. Give educational support to all students in the general education classroom, reinforcing learning, and in small groups or with individuals as directed by the teacher/provider;
5. Assist in the preparation of instructional materials;
6. Collect student performance data as directed by the teacher or related service provider, score objective tests and papers, and maintain appropriate records;
7. Perform clerical tasks such as typing and copying;
8. Operate and maintain classroom equipment;
9. Give training support to students who are participating in community environments, job training experiences, and other activities as directed by the teacher/provider;
10. Assist in the management of crises problems and behavioral intervention plans; and
11. Participate as a member of the IEP team.

### **C. Inappropriate Roles and Responsibilities for the Paraprofessional**

The following list will help clarify the tasks that the paraprofessional may not do. The paraprofessional may not:

1. Be solely responsible for a classroom or a professional service. The paraprofessional may not be used as a substitute teacher. The paraprofessional may not attend the student IEP meeting in lieu of the supervising teacher or related service provider.
2. Be responsible for preparing lesson plans and initiating instruction.
3. Be responsible for the diagnostic functions of the classroom. The paraprofessional may not administer or interpret diagnostic tests that are used to identify learning difficulties. The paraprofessional may not grade subjective or essay tests.
4. Be responsible for assigning grades to students.

5. Assume full responsibility for supervising assemblies or field trips.
6. Be given primary responsibility for working with individual students.
7. Be given sole responsibility for the inclusion of one or more students into the general education classroom. The paraprofessional may not be solely responsible for teaching the general education curriculum.
8. Be responsible for designing behavioral intervention plans for students. The paraprofessional may not regulate pupil behavior by corporal punishment or other similar means.
9. Be used to carry out clerical responsibilities that are usually assigned to other staff members in the building.

***Reference:***

*Guidelines for Training, Utilization, and Supervision of Paraeducators*, Kansas State Department of Education.



## Appendix 10

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**Note:** Appendices in the *Idaho Special Education Manual* contain a variety of technical assistance information, including sample letters and forms, suggestions for dealing with special education issues, and copies of various laws. The appendices should be viewed as additional resources to Chapters 1-10 in the *Idaho Special Education Manual*. The district is *not required* to adopt as policy or procedure any of the appendices in this manual to receive IDEA funding.



	<b>Access Log</b>
--	-------------------

Student's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

In addition to authorized personnel and parents, the following persons have had access to educational record information on the above-named student. Access to records is denied to any out-of-district person or agency unless a release of information is included in the educational record or the access meets one of the exceptions listed in the Family Educational Rights and Privacy Act (FERPA).

<b>Name</b>	<b>Affiliation</b>	<b>Date of Access</b>	<b>Purpose</b>
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		
Name (print):  Signature:	Position:  Agency:		



	<b>Contact Record</b>
--	-----------------------

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_  
 Birth Date: \_\_\_\_\_ School: \_\_\_\_\_

<b>Date</b>	<b>Time</b>	<b>Content</b> (include participants, purpose of contact, what transpired, and outcome)	<b>Signature or Initials</b>





	<b>Written Notice</b>
--	-----------------------

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Grade: \_\_\_\_\_ Notice Date: \_\_\_\_\_

The purpose of this notice is to inform you of the following:

**Actions proposed:**

- ☐ The student is due for a reevaluation to determine continued eligibility and it has been determined that further assessment is not necessary.
- ☐ The school district proposes to initiate/change identification.
- ☐ The school district proposes to initiate/change educational placement.
- ☐ The school district proposes to initiate/change educational placement due to disciplinary action.

**Actions refused:**

- ☐ The school district refuses to initiate/change identification.
- ☐ The school district refuses to initiate/change evaluation/reevaluation.
- ☐ The school district refuses to initiate/change educational placement.
- ☐ The school district refuses to change the Individualized Education Program (IEP).
- ☐ Other \_\_\_\_\_.

**Explanation of why actions were proposed or refused:**

- ☐ The student has met IEP or district graduation requirements.
- ☐ The student has completed the semester in which he or she turned 21 years old and is no longer entitled to special education services.
- ☐ The current data on school performance along with previous assessments are adequate.
- ☐ The student's disability adversely affects his or her educational performance, preventing satisfactory achievement.
- ☐ Special education services are required in order for the student to benefit from an educational program.
- ☐ The student's disability does not adversely affect his or her educational performance.
- ☐ Behavioral and academic interventions can be implemented within the current placement.
- ☐ Other \_\_\_\_\_.

**The following options were considered but rejected because:**

**The following evaluation procedures, tests, records, and reports were used as a basis for the decision:**

**The following information and other factors are relevant to the decision:**

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, please contact: \_\_\_\_\_ at \_\_\_\_\_. After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education  
208/332-6910  
800/432-4601  
TT: 800/377-3529

Idaho Parents Unlimited, Inc.  
800/242-4785  
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.  
V/TT: 208/336-5353  
V/TT: 800/632-5125



<input type="checkbox"/> Initial Referral <input type="checkbox"/> Reevaluation Data Review	<b>Referral to Consider a Special Education Evaluation/Reevaluation</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_  
 Birth Date: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_  
 Person Referring: \_\_\_\_\_ Title: \_\_\_\_\_  
 Referral Date: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

**A. Review of referral (initial referral only):**

1. Briefly describe the reason for referral:

2. Briefly describe attempted interventions and observations:

**B. Does the learner have limited proficiency in English?** ☐ Yes ☐ No

If yes, what is the language?

**C. Review of student's performance:**

Review each of the following areas and determine if there is a need to assess.	Do we need to assess?	If yes, describe assessment:
1. Intellectual/Cognitive Functioning	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Academic Performance	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Communication (Speech/Language)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Motor Development (Fine/Gross)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Hearing/Vision	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Developmental/Medical History	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. Adaptive Behavior	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. Emotional/Social/Behavioral Development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9. Vocational/Occupational/Transition	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10. Assistive Technology	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**D. Disposition of referral:** \_\_\_\_\_

**E. Other considerations:**

- ☐ Parent/adult student input has been requested.  
☐ The *Special Education Rights Statement* has been sent to the parent/adult student.  
☐ Medicaid has been discussed with the parent. Name of physician \_\_\_\_\_  
☐ Consent for release of information has been obtained to exchange relevant information.

**F. Persons who reviewed the referral:**

**Title:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



	<b>Request for Input on Evaluation/Reevaluation</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_  
Birth Date: \_\_\_\_\_ Date: \_\_\_\_\_

Dear:

The school is proposing to conduct \_\_\_ an initial evaluation \_\_\_ a reevaluation of \_\_\_\_\_.

The purpose of this letter is to let you know that an evaluation/reevaluation has been proposed and we are requesting your input. As a member of the evaluation team, you have the right to participate in the process.

[ ] The evaluation team will be reviewing existing data and developing an evaluation plan without a meeting. You are a member of this team. You may provide input for the review by phone, letter, e-mail, or visiting with school personnel by \_\_\_\_\_.

You have the right to request a meeting of the evaluation team to discuss the evaluation plan and to provide your input in person. If you would like a meeting, please contact me at \_\_\_\_\_.

[ ] The evaluation team will be reviewing existing data and developing an evaluation plan at a meeting. You are a member of this team, and we request your attendance at this meeting.

The meeting will be held on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_.  
(Date) (Time) (Location)

If this meeting time is not convenient for you, please contact me at \_\_\_\_\_ to reschedule the meeting or to provide your input. You may also provide input to the school by letter, e-mail, or visiting with school personnel.

If you have any questions, please call me at \_\_\_\_\_.

Sincerely,

Enclosure: *Special Education Rights Statement*



	<b>Authorization for Exchange of Confidential Information</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

Parent's Address: \_\_\_\_\_

*Parent(s): This form allows information about your child to be exchanged. Please sign the form and return it to school. The school address is listed below.*

**A. The names of parties exchanging information:**

I authorize: \_\_\_\_\_

Name, Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

*(Check either or both as needed.)*

☐ to release information to:

☐ to obtain information from:

Name, Title \_\_\_\_\_

School/District \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**B. The information to be released:**

☐ official school record (name, address, birth date, sex, attendance)

☐ health record ☐ psychological records

☐ special education records ☐ teacher, counselor, staff Observations

☐ chemical abuse/dependency report ☐ medical report

☐ psychiatric report ☐ social work report

☐ transcripts ☐ counseling records

☐ other:

**C. The purpose of the request:** \_\_\_\_\_

**D. Effective date of authorization:**

This authorization takes effect the day that you sign it and:

☐ expires after the requested information is received

☐ continues until \_\_\_\_\_.

You may revoke this authorization at any time.

\_\_\_\_\_  
Parent/Adult Student Signature Date





	<b>Consent for Assessment (page 1 of 3)</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_ Birth Date: \_\_\_\_\_  
 Grade: \_\_\_\_\_ School: \_\_\_\_\_ Notice Date: \_\_\_\_\_

Dear:

We are requesting your permission to assess \_\_\_\_\_ current educational functioning to determine possible eligibility for special education services. Your written consent is required before an initial assessment can begin. If this is a request for consent for reassessment and the district does not hear from you after reasonable efforts to obtain consent, the district will proceed with the reassessment.

**Reasons we would like to conduct this assessment:**

**Information used to determine the areas to be assessed:**

**The following options were considered and rejected for these reasons:**

**Other factors considered, including those identified as special considerations** (behavior, limited English proficiency, blind or visual impairment, deaf or hard of hearing, or need for possible assistive technology):

After you have reviewed the information herein, please sign and return the enclosed form titled *Parent/Adult Student Evaluation Response*. The form allows you to give consent or to deny consent for the proposed assessment. Return the form to \_\_\_\_\_.

Assessments are provided at no cost to you. Assessment procedures may include a review of school records, diagnostic teaching, observation of your child's activities, personal interviews, and consultation with you or others you recommend, along with individual testing as outlined. (See attached *Individual Testing Plan*.)

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, or if you have any questions, please contact me at \_\_\_\_\_.

Sincerely,

(Note: The signature above verifies that parents who require notice and an explanation of their rights in their language have been accommodated to ensure their understanding.)

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

### INDIVIDUAL TESTING PLAN

Area To Be Assessed	Position Responsible	Description of Assessment Procedures
9 Intellectual/Cognitive Functioning		Assesses your child's ability to learn. Administered by a professional in a one-to-one setting.
9 Academic Performance		Measures your child's achievements in such areas as oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation and mathematical reasoning.
9 Communication (Speech/Language)		<p><b>Speech</b> Assesses your child's articulation (speech sounds), voice, fluency, and motor skills for speech.</p> <p><b>Language</b> Assesses your child's receptive and expressive language skills, including phonology, morphology, syntax, semantics, and pragmatics.</p>
9 Motor Development (Fine/Gross)		<p><b>Physical Therapy Assessment</b> Assesses your child's gross motor skills and abilities for general or specific activities.</p> <p><b>Occupational Therapy Assessment</b> Assesses your child's daily living, educational, work, play or leisure motor skills and abilities for general or specific activities.</p> <p><b>Fine and Gross Motor Development</b> Assesses your child's motor skills and abilities.</p>
9 Hearing		Screens your child for hearing acuity. Includes pure tone testing and impedance testing of middle ear functioning.
9 Vision		Screens your child for visual acuity.
9 Developmental/Medical History		Collects information about your child's developmental progress or medical history.
9 Adaptive Behavior		Assesses your child's skills regarding self-help, independence, and activities of daily living at home, at school and in the community.
9 Emotional/Social/Behavioral		Collects information about your child's social and emotional development. May include rating scales, personality inventories, behavioral observations, projective tests, and personal interviews.
9 Vocational/Occupational/Transition		Assesses interests and capabilities for different types of work.
9 Assistive Technology		Assesses the need for a piece of equipment or a product system that is used to increase, maintain, or improve the functional abilities of your child.

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_  
 Birth Date \_\_\_\_\_ Grade: \_\_\_\_\_ Notice Date: \_\_\_\_\_

**PARENT/ADULT STUDENT EVALUATION RESPONSE**

The district is asking for your consent to conduct:

- ☐ an initial assessment of the student. The district will not proceed with an initial assessment without your written consent.
- ☐ a reassessment of the student. If you do not give or deny consent after the district makes reasonable efforts to obtain consent, the district will proceed with the reassessment

After reviewing your rights, please sign on the appropriate line below and return this form as soon as possible to \_\_\_\_\_. For assistance in understanding your rights, feel free to call me or refer to the *Special Education Rights Statement* for sources of information on your rights.

I understand my rights and GIVE CONSENT to conduct this assessment.

\_\_\_\_\_  
 Parent/Adult Student Signature Date

**OR**

I understand my rights and DENY CONSENT to conduct this assessment.

\_\_\_\_\_  
 Parent/Adult Student Signature Date

<p><i>Date received by the school district</i></p>
--



	<b>Eligibility Report – All Disability Categories (page 1 of 2)</b>
--	---

### A. STUDENT INFORMATION

Student's Name					ID Number
Sex	Grade	Birth Date	Native Language	District	
School of Enrollment					School Telephone

### B. PARENT/GUARDIAN INFORMATION

Contact 1 Name(s)	Home Telephone
Contact 1 Address	Daytime Telephone
	Native Language
Contact 2 Name(s)	Home Telephone
Contact 2 Address	Daytime Telephone
	Native Language

### C. EVALUATION TEAM INFORMATION

Eligibility Determination Date: (M/D/Y)			<input type="checkbox"/> Initial Assessment	<input type="checkbox"/> Reassessment
Title/Position	Names of All Evaluation Team Members	Agreement with Report		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

Note: Any evaluation team member who disagrees with this team report must attach a separate statement of his or her conclusions.

	<b>Eligibility Report – All Disability Categories (page 2 of 2)</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

## **D. SUMMARY OF FINDINGS/ADVERSE EFFECTS ON EDUCATIONAL PERFORMANCE**

### **1. Assessments**

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results:		
Adverse effect:		
Need for specially designed instruction:		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results:		
Adverse effect:		
Need for specially designed instruction:		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results:		
Adverse effect:		
Need for specially designed instruction:		

### **2. Justification for professional judgment if used:**

Use additional pages as necessary. Attach all relevant reports. Provide a description of the extent to which any assessments were conducted under nonstandard conditions or any other factors relevant to this evaluation.

### **3. Lack of instruction in reading or math or limited English proficiency:**

A student cannot be determined eligible for special education if the determinant factor is lack of instruction in reading or math or limited English proficiency. Indicate if any of these factors are relevant:

### **4. Eligibility determination:**

In consideration of the reported information, the evaluation team finds the student \_\_\_\_ is \_\_\_\_ is not eligible under the category \_\_\_\_\_.

Note: A copy of this report and all attachments must be given to the parent/adult student.

Additional Requirement	<b>Eligibility Report – Learning Disability</b>
------------------------	---

Student's Name: \_\_\_\_\_  
ID: \_\_\_\_\_ Birth Date: \_\_\_\_\_

**A. Comparing ability and achievement:**

Intellectual Ability	Academic Achievement Test		Discrepancy
Regressed Full-Scale Score	Broad Area	Broad Area Score	Regressed full-scale score minus broad area score.
1.			
2. Same as line 1.			
3. Same as line 1.			
4. Same as line 1.			
5. Same as line 1.			

**B. Severe discrepancy:**

Is there a severe discrepancy between achievement and ability that is not correctable without special education and related services? ☐ Yes ☐ No

**C. Other considerations:**

1. Is this discrepancy primarily the result of a visual, hearing or motor disability; cognitive impairment; or emotional disturbance? ☐ Yes ☐ No
2. What effects, if any, are from environmental, cultural, or economic disadvantages?

**D. List relevant behavior noted during classroom observation and the relationship of that behavior to the student's academic functioning:**

Name of Observer: \_\_\_\_\_ Title: \_\_\_\_\_  
Site: \_\_\_\_\_ Date: \_\_\_\_\_ Duration: \_\_\_\_\_

**E. List educationally relevant medical findings, if any:**





	<b>Invitation to a Meeting</b>
--	--------------------------------

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_  
 Birth Date: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_  
 Notice Date: \_\_\_\_\_

Dear:

We would like to meet with you regarding \_\_\_\_\_ educational program.

You are encouraged to attend and bring your child, if appropriate. As the parent/adult student, you will serve as an equal participant in making decisions. If you wish to review any pertinent education records before the meeting, or if you need additional time to respond, please notify our office.

The meeting will be held on: \_\_\_\_\_

Location: \_\_\_\_\_

The purpose of this meeting is to:

- ☐ review all available information and determine what additional assessments are needed, if any
- ☐ review and discuss evaluation information and determine whether the student is eligible for special education and related services
- ☐ develop the individualized education program (IEP) and determine the appropriate placement in the least restrictive environment (LRE)
- ☐ consider the need for transition services
- ☐ review the IEP, and revise, as appropriate
- ☐ determine the need for a reevaluation
- ☐ discuss the need for a functional behavioral assessment or the development of a behavioral intervention plan
- ☐ determine the relationship between the disability and the behavior subject to disciplinary action
- ☐ consider the need for extended school year services
- ☐ other \_\_\_\_\_

The following people have been invited to the meeting:

Name	Title

You may bring a friend or other person(s) with knowledge or specific expertise.

If you require an accommodation in accordance with Americans with Disabilities Act (ADA), or you are unable to attend and want to reschedule the meeting, please contact me at \_\_\_\_\_.

Sincerely,

Enclosure: *Special Education Rights Statement*



IEP Meeting Date: _____ Projected Review Date: _____ Last Comprehensive Evaluation Date: _____	<b>Individualized Education Program (IEP)</b> <b>Cover Sheet</b>
--	---

### A. STUDENT INFORMATION

Student's Name					ID Number
Sex	Grade	Birth Date	Native Language	Race/Ethnicity	District
School of Enrollment					School Telephone

### B. PARENT/GUARDIAN INFORMATION

Contact 1 Name(s)	Home Telephone
Contact 1 Address	Daytime Telephone
	Native Language
Contact 2 Name(s)	Home Telephone
Contact 2 Address	Daytime Telephone
	Native Language

### C. IEP INFORMATION

Case Manager Name	Telephone Number	IEP Type: [ ] Initial [ ] Review
Eligibility Category		

### D. IEP TEAM

Title/Position	Names of Team Members	IEP Meeting Attendance
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No



	<b>IEP/SP Goals</b>
--	---------------------

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

**A. Present Level of Performance:**

**B. General Education Content Standard(s):**

**C. Annual Goal:**

**D. Evaluation Procedure:**

**E. Assistive Technology (if needed):**

**F. How and When Student Progress Is Reported:**

**G. Objectives/Benchmarks:**

**H. Progress:**

1.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

2.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

3.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

4.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

1st Qtr	2nd Qtr	3rd Qtr	4th Qtr

**Progress Codes:**

1 = Completed

2 = In progress

3 = Not started

4 = Other: \_\_\_\_\_

**Progress Projection Codes:**

A = Progress is adequate to meet target date.

B = Progress is inadequate to meet target date.

Note: If the student is not progressing according to target dates, parents will be informed.



	<b>IEP Services/Other Considerations</b>
--	--

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

#### A. IEP SERVICES

Service	Position Responsible	Location	Freq	M Type Service	Total hrs & min per wk	Start Date	Anticipated Duration

<b>Location Codes:</b> 01 Classroom 02 Sped Classroom 03 Home 04 Hospital 05 Community 06 Therapy Room	<b>Frequency Codes:</b> 01 Daily 02 Weekly 03 Bi-Weekly 04 Monthly 05 ____ Times Per ____	<b>M Type Service Codes:</b> IN - Individual SG - Small Group, 2 LG - Large Group, 3 or more
--	--	---

#### B. OTHER CONSIDERATIONS

- Special transportation is considered a related service. The student requires ☐ **Regular** ☐ **Special** ☐ **No** transportation.  
Describe if necessary:
- Are extended school year (ESY) services required for this student? ☐ Yes ☐ No. To be determined on \_\_\_\_\_.
  - What are the skills this student will lose as a result of an interrupted educational program and will be unable to recoup so as to make reasonable progress toward achieving the goals and benchmarks/objectives in the IEP?
  - What skills are emerging that with ESY services the student would make reasonable gains?
  - What acquisition of a critical life skill that aids the student's ability to function independently would be threatened by an interruption in services?
  - In what way are the above skills critical to the overall progress of the student?
  - Specify which goals and objectives/benchmarks should be part of the IEP for ESY services.
- Does the student have limited proficiency in English? ☐ Yes ☐ No. If yes, what native language? \_\_\_\_\_.  
Explain what considerations are necessary:
- If hearing impaired/deaf, is hearing aid monitoring required? ☐ Yes ☐ No. If yes, explain what considerations are necessary:
- If visually impaired/blind, is Braille required? ☐ Yes ☐ No. If yes, explain what considerations are necessary:





	<b>IEP Accommodations</b>
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Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

#### A. ACCOMMODATIONS, ADAPTATIONS, SUPPORTS IN GENERAL AND SPECIAL EDUCATION

#### B. BEHAVIORAL INTERVENTION PLANNING

Does behavior impede the student's learning or that of others? ☐ Yes ☐ No  
 If yes, has a functional behavioral assessment been conducted? ☐ Yes ☐ No Date: \_\_\_\_\_  
 If yes, have behavioral interventions and supports been considered? ☐ Yes ☐ No  
 If needed, check one:  
☐ A behavioral intervention plan including positive interventions and supports is attached to the IEP.  
☐ The positive behavioral interventions and supports needed are listed below:

#### C. PARTICIPATION IN STATEWIDE AND DISTRICTWIDE ASSESSMENTS

The student will participate in the following general education statewide and districtwide assessments:

<b>Participation</b> (see codes)	<b>Assessment</b>	<b>Describe the following:</b> (1) the accommodations/adaptations to be used, if any, and (2) the portions of the Idaho Alternate Assessment to be used, if any.
	Idaho Reading Indicator (IRI)	
	Iowa Test of Basic Skills (ITBS)	
	Direct Writing Assessment (DWA)	
	Direct Math Assessment (DMA)	
	Idaho Standards Achievement Test (ISAT)	
	Test of Achievement and Proficiency (TAP)	
	Levels Achievement Test	
	Other: (Name)	

#### Participation Codes:

- 1 = The student will participate in the assessment **without** accommodations or adaptations.
- 2 = The student will participate in the assessment **with accommodations**.
- 3 = The student will participate in the assessment **with adaptations**.
- 4 = The student meets all three Idaho Alternate Assessment criteria and will participate in the assessment using **portions of the Idaho Alternate Assessment and portions of the regular assessment**.
- 5 = The student meets all three Idaho Alternate Assessment criteria and will participate in the assessment using **only the Idaho Alternate Assessment**.
- 6 = The assessment is not administered at the grade levels covered during the time frame of this IEP.

**Note 1:** More than one code may be used to indicate participation. For example, a student may participate in an assessment using portions of the Idaho Alternate Assessment and portions of the regular assessment (code 4) and may require accommodations for the regular portion of the assessment (code 2).

**Note 2:** Only those accommodations and adaptations regularly used by the student in classroom instruction and classroom testing may be used during assessment.

**Note 3:** Accommodations *do not* invalidate assessment results. Adaptations *do* invalidate assessment results.



	<b>IEP Placement/Consent (School-Age Students)</b>
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Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

**A. PLACEMENT DETERMINATION: Least Restrictive Environment (LRE)**

*Check one:*

- ☐ The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.
- ☐ The student will not participate in the following: *(Write an explanation if the student will not participate fully.)*
- \_\_\_\_ general education classroom \_\_\_\_\_
- \_\_\_\_ general education curriculum \_\_\_\_\_
- \_\_\_\_ nonacademic and extracurricular activities with nondisabled peers \_\_\_\_\_

**B. DECEMBER 1 FEDERAL REPORT SETTINGS**

- ☐ regular class (pulled out less than 1 hour and 15 minutes of a 6-hour school day)
- ☐ resource class (pulled out more than 1 hour and 15 minutes but less than 3 hours and 35 minutes of a 6-hour school day)
- ☐ self-contained or extended resource class (more than 3 hours and 35 minutes of a 6-hour school day)
- ☐ district separate special education school (more than 3 hours of a 6-hour school day)
- ☐ private special education school (at public expense more than 3 hours of a 6-hour school day)
- ☐ public residential facility (more than 3 hours of a 6-hour school day)
- ☐ private residential facility (at public expense more than 3 hours of a 6-hour school day)
- ☐ hospital or home setting
- ☐ voluntarily enrolled in private school by the parent

**C. WRITTEN NOTICE**

The student will receive the services and placement outlined on this IEP because the student is eligible for special education and the IEP team has determined that this IEP will meet his or her needs.

**The following options were considered but rejected because:**

**The following evaluation procedures, tests, records, or reports were used as a basis for the IEP:**

**The following information and other factors were used to develop this IEP:**

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, please contact \_\_\_\_\_ at \_\_\_\_\_. After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education  
208/332-6910  
800/432-4601  
TT: 800/377-3529

Idaho Parents Unlimited, Inc.  
800/242-4785  
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.  
V/TT: 208/336-5353  
V/TT: 800/632-5125

**D. CONSENT FOR INITIAL PLACEMENT**

- ☐ I consent to placing \_\_\_\_\_ in special education. I understand that I can revoke this consent before services begin.
- ☐ I deny consent to placing \_\_\_\_\_ in special education.

\_\_\_\_\_  
Parent/Adult Student Signature

\_\_\_\_\_  
Date



	<b>IEP Placement/Consent (Preschool Students)</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

**A. PLACEMENT DETERMINATION: Least Restrictive Environment (LRE)**

*Check one:*

☐ The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.

☐ The student will not participate in the following: (*Write explanation if the student will not participate fully.*)

\_\_\_\_\_ general education classroom \_\_\_\_\_

\_\_\_\_\_ general education curriculum \_\_\_\_\_

\_\_\_\_\_ nonacademic and extracurricular activities with nondisabled peers \_\_\_\_\_

**B. DECEMBER 1 FEDERAL REPORT SETTINGS**

☐ reverse mainstream settings (program includes 50 percent or more children without disabilities)

☐ early childhood setting (program designed primarily for children without disabilities)

☐ part-time early childhood setting *and* part-time early childhood special education setting

☐ early childhood special education (primarily for children with disabilities in a community/school campus)

☐ separate school (specifically for children with disabilities in a separate facility)

☐ residential facility (program designed as inpatient services in a residential facility)

☐ home

☐ itinerant services outside the home (school, community-based setting, or hospital for not more than 3 hours per week or less)

**C. WRITTEN NOTICE**

The student will receive the services and placement outlined on this Individualized Education Program (IEP) because the student is eligible for special education and the IEP team has determined that this IEP will meet the student's needs.

**The following options were considered but rejected because:**

**The following evaluation on procedures, tests, records, or reports were used as a basis for the IEP:**

**The following information and other factors were used to develop this IEP:**

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, please contact \_\_\_\_\_ at \_\_\_\_\_. After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education  
208/332-6910  
800/432-4601  
TT: 800/377-3529

Idaho Parents Unlimited, Inc.  
800/242-4785  
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.  
V/TT: 208/336-5353  
V/TT: 800/632-5125

**D. CONSENT FOR INITIAL PLACEMENT**

☐ I consent to placing \_\_\_\_\_ in special education. I understand that I can revoke this consent before services begin.

☐ If applicable, I have been informed of the differences between an IEP and an Individual Family Service Plan (IFSP). I consent to using the IFSP.

☐ I deny consent to placing \_\_\_\_\_ in special education.

\_\_\_\_\_  
Parent/Adult Student Signature

\_\_\_\_\_  
Date



	<b>IEP Secondary Transition Services (page 1 of 2)</b>
--	--

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

**Student's Postschool Goals:**

---

**At age 14:** Statement of needed transition services that focus on the student's course of study.

☐ A parent-approved Student Learning Plan is attached.

---

**At age 16:** Statement of needed transition services.

☐ IEP goals/objectives/benchmarks reflect specific targeted activities.

---

**Graduation Requirements:**

☐ The student will meet regular high school graduation requirements.

☐ The student will meet comparable high school graduation requirements.

☐ The student will meet the following graduation criteria established by the IEP team:

Anticipated graduation date: \_\_\_\_\_.

---

**Not later than the 17th birthday:** Transfer of rights.

☐ The student and parents have been informed that rights **will** transfer to the student at age 18.

☐ The student and parents have been informed that special education rights **will not** transfer to the student at age 18 because:

☐ the IEP team has determined the student is not able to provide informed consent

☐ a legal guardian has been appointed by the court



	<b>IEP Secondary Transition Services</b> <b>(page 2 of 2)</b>
--	--

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

**Activities for Future Outcomes:**

Transition Service	Position Responsible	Start Date
1. Postsecondary Education/Training		
2. Employment/Career		
3. Community Participation		
4. Independent Living		
5. Adult Services		
6. Other		

	<b>IEP Secondary Goals</b>
--	----------------------------

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

Relates to student postschool goal number \_\_\_\_\_.

**A. Present Level of Performance:**

**B. General Education Content Standards:**

**C. Annual Goal:**

**D. Evaluation Procedure:**

**E. Assistive Technology (if needed):**

**F. How and When Student Progress Is Reported:**

**G. Objectives/Benchmarks:**

1.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

2.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

3.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

4.

Expected Progress:

Target Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**H. Progress:**

1st Qtr	2nd Qtr	3rd Qtr	4th Qtr

**Progress Codes:**

1 = Completed

2 = In progress

3 = Not started

4 = Other: \_\_\_\_\_

**Progress Projection Codes:**

A = Progress is adequate to meet target date.

B = Progress is inadequate to meet target date.

Note: If the student is not progressing according to target dates, parents will be informed.



Date of Last Annual IEP Meeting: _____ IEP Addendum Date: _____	<b>IEP Amendment</b> <b>(Attach to IEP)</b>
--	--

### A. STUDENT INFORMATION

Student's Name	ID Number	Sex	Birth Date
Street Address City, State, Zip	Native Language	Grade	District
School of Enrollment		School Telephone	

### B. IEP TEAM

Title/Position	Names of Team Members	IEP Meeting Attendance
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Note: The completion of this document does not replace or extend the required annual IEP meeting.

### C. WRITTEN NOTICE

**Description of change to current IEP (include revised goal sheets if needed):**

**The IEP is being amended for the following reasons:**

**The following options were considered but rejected because:**

**The following evaluation procedures, tests, records, or reports were used as a basis for this IEP amendment:**

**The following information and other factors were used to develop this IEP amendment:**

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, please contact \_\_\_\_\_ at \_\_\_\_\_. After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education  
 208/332-6910  
 800/432-4601  
 TT: 800/377-3529

Idaho Parents Unlimited, Inc.  
 800/242-4785  
 V/TT: 208/342-5884

Comprehensive Advocacy, Inc.  
 V/TT: 208/336-5353  
 V/TT: 800/632-5125



SP Meeting Date: _____ Projected Review Date: _____	<b>Services Plan (SP) Cover Sheet</b> <b>(For Private or Home School Students)</b>
--	---

**A. STUDENT INFORMATION**

Student's Name					ID Number
Sex	Grade	Birth Date	Native Language	Race/Ethnicity	District
School of Enrollment				School Telephone	

**B. PARENT/GUARDIAN INFORMATION**

Contact 1 Name(s)	Home Telephone
Contact 1 Address	Daytime Telephone
	Native Language
Contact 2 Name(s)	Home Telephone
Contact 2 Address	Daytime Telephone
	Native Language

**C. SERVICES PLAN INFORMATION**

Case Manager Name	Telephone Number	SP Type: <input type="checkbox"/> Initial <input type="checkbox"/> Review
Eligibility Category		

**D. SERVICES PLAN TEAM**

Title/Position	Names of Team Members	SP Meeting Attendance
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No



	<b>SP Services/Other Considerations</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

#### A. SPECIAL EDUCATION AND RELATED SERVICES

Service	Position Responsible	Location	Frequency	Total hrs & min per wk	Start Date	Anticipated Duration

<b>Location Codes:</b> 01 Classroom 02 Sped Classroom 03 Home 04 Hospital 05 Community 06 Therapy Room	<b>Frequency Codes:</b> 01 Daily 02 Weekly 03 Bi-Weekly 04 Monthly 05 _____ Times Per _____
--	--

#### B. OTHER CONSIDERATIONS

- Special transportation is considered a related service. The student requires ☐ **Regular** ☐ **Special** ☐ **No** transportation.  
Describe if necessary:
  
- Does the student have limited proficiency in English? ☐ Yes ☐ No  
If yes, what native language?  
Explain what considerations are necessary:
  
- If hearing impaired/deaf, is hearing aid monitoring required? ☐ Yes ☐ No  
If yes, explain what considerations are necessary:
  
- If visually impaired/blind, is Braille required? ☐ Yes ☐ No  
If yes, explain what considerations are necessary:





	<b>SP Accommodations/Written Notice</b>
--	---

Student's Name: \_\_\_\_\_ ID: \_\_\_\_\_

#### **A. ACCOMMODATIONS, ADAPTATIONS, SUPPORTS PROVIDED BY THE DISTRICT**

#### **B. BEHAVIORAL INTERVENTION PLANNING**

Does behavior impede the student's learning? ☐ Yes ☐ No  
 Is a functional behavioral assessment required? ☐ Yes ☐ No  
 Has a functional behavioral assessment been conducted? ☐ Yes ☐ No Date: \_\_\_\_\_  
 Is a behavioral intervention plan attached or incorporated into the student's SP? ☐ Yes ☐ No  
 List additional behavioral strategies needed:

#### **C. WRITTEN NOTICE**

The student will receive the services and placement outlined on this SP because the student is eligible for special education and the SP team has determined that this SP will meet his or her needs.

**The following options were considered but rejected because:**

**The following evaluation procedures, tests, records, or reports were used as a basis for this service plan:**

**The following information and other factors were used to develop this SP:**

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). If you need an explanation or a copy of the *Special Education Rights Statement*, please contact \_\_\_\_\_ at \_\_\_\_\_. After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education  
 208/332-6910  
 800/432-4601  
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Idaho Parents Unlimited, Inc.  
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 V/TT: 208/342-5884

Comprehensive Advocacy, Inc.  
 V/TT: 208/336-5353  
 V/TT: 800/632-5125



Optional Form A	Medicaid Reimbursement
-----------------	------------------------

# A. GENERAL INFORMATION

Service Provider	Title
Student's Name (last, first, middle initial)	Birth Date
Medicaid Number	School of Enrollment

**Procedure Codes (PC)**    I = Individual    G/2 = Group Size, 2    G/3 = Group Size 3, or More

# B. SERVICE DETAIL REPORT

**Goal:** \_\_\_\_\_

Record information for each date that service was provided.

Date	Comments	Response	PC	Time	Duration	Initials
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			
			9 I 9G/2 9G/3 +			

**PROGRESS COMMENTS:**



Optional Form B	Medicaid Reimbursement
-----------------	------------------------

# A. GENERAL INFORMATION

Service Provider	Title
Student's Name (last, first, middle initial)	Birth Date
Medicaid Number	School of Enrollment

**Procedure Codes (PC)**    I = Individual    G/2 = Group Size, 2    G/3 = Group Size, 3 or More

# B. SERVICE DETAIL REPORT

**Goal:** \_\_\_\_\_

Record information for each date that service was provided.

Date	Comments	PC	Time	Duration	Initials
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	<b>PROGRESS COMMENTS:</b>				
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	9 Gait Training 9 Balance 9 Trunk Strengthening 9 ROM 9 Motor Planning 9 Transfers	9 I 9 G/2 9 G/3 +			
	<b>PROGRESS COMMENTS:</b>				

